STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000
SACRAMENTO, CA 95812-2000

INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

I. BACKGROUND

PROJECT TITLE:	Water Right Application and Petitions for Edwards Ranch, LLC
APPLICATION/PETITION:	Water Right Application 30289, Petition for Change for Permit 17360 (Application 24985) and Petitions for Extension of Time for Permit 17360 (Application 24985) and Permit 17361 (Application 25165)
APPLICANT/PETITIONER:	Edwards Ranch, LLC
CONTACT PERSON:	Paul Van Leer, Ranch Manager Las Varas Ranch Route 1, Box 234 A Goleta, CA 93117-9700 (805) 896-7623
GENERAL PLAN DESIGNATION:	AG-II-100, (Agriculture, 100-acre minimum parcel size)
ZONING:	Unlimited Agriculture (U), Ordinance 661

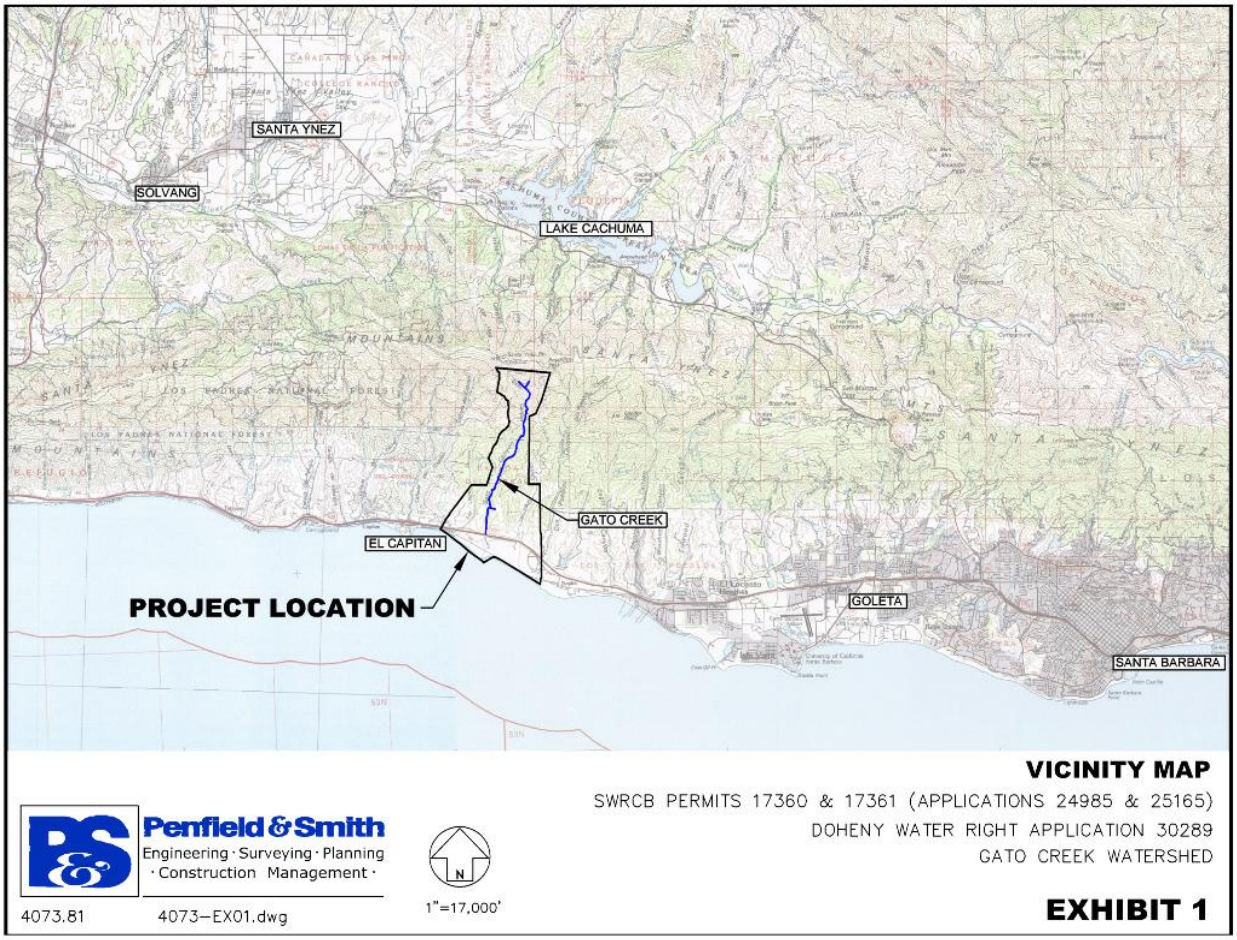
Introduction

Edwards Ranch, LLC (Applicant/Petitioner) has the following items pending before the State Water Resources Control Board (State Water Board), Division of Water Rights (Division): Water Right Application 30289, filed on October 4, 1993, Petition to Change Permit 17630 (Application 24985), filed on September 8, 1993, and Petitions for Extension of Time for Permit 17360 (Application 24985) and Permit 17361 (Application 25165), filed on August 17, 2004 (collectively "the proposed project"). The proposed project is located approximately eight miles northwest of Goleta, in Santa Barbara County (Exhibit 1, Vicinity Map). Applicant/Petitioner has submitted the following:

1. Application 30289 in order to obtain a new permit for direct diversion not to exceed 4.14 cubic feet per second (cfs) of water that is currently authorized for diversion to storage from the Gato Creek watershed under the terms of Permits 17360 and 17361. This permit is necessary to ensure that the portion of project water diverted in accordance with Permits 17360 and 17361 that may inadvertently reside in the reservoir for less than 30 days is being covered by adequate direct diversion rights so as to be consistent with applicable regulations (Cal. Code Regs., tit. 14, § 657 et seq). Application 30289 does not seek an increase in water diversion beyond that which is currently permitted;

2. Petition for Change for Permit 17360 to reduce and modify the authorized place of use (POU); and,

3. Petition for Extension of Time for Permits 17360 and 17361 to extend the period of time within which to apply the water to full beneficial use.



Acting under the California Environmental Quality Act (CEQA), the Division as Lead Agency has determined that a Mitigated Negative Declaration (MND) is required for the approval of the proposed project, inclusive of the new water right. A MND may be prepared if the Initial Study (IS) identifies a potentially significant effect for which the project's proponent has made or agrees to make project revisions that clearly mitigate the effects. The IS/MND prepared for the proposed project identifies and discusses potential impacts, mitigation measures, impacts, and monitoring requirements for identified subject areas. Potentially significant but mitigable effects on the environment are anticipated in the following areas: water, biology and cultural resources.

This IS/MND includes pertinent information from a prior Environmental Impact Report (83-EIR-19) as well as sub-consultant analyses, consultations with local, state and federal agencies, and current plans and policies.

Project Background

Prior to the construction of the existing water diversion project at Applicant/Petitioner's Ranch, irrigation water for the purpose of agriculture (avocado and citrus trees and water for cattle) was supplied from onsite groundwater wells and from the Goleta Water District. Due to fluctuations in annual rainfall and amount of water necessary to sustain these agricultural practices, Applicant/Petitioner received two permits from the State Water Board for the development of a water diversion project. The water diversion project is designed to collect water from Gato Creek and store the water in a reservoir. The stored water then flows through transmission pipes at the southerly end of the reservoir to the various areas of the Ranch under cultivation and or used for pasture.

Under the terms of the two permits, construction was to be completed by December 1, 1981 and complete application of the water to the proposed use was to be made before December 1, 1982. The State Water Board extended the dates to complete construction and beneficial use of water to December 1, 1986, and December 1, 1987, respectively. Construction of the Edwards Reservoir and associated diversion facilities was completed in 1985. As a result of a compliance inspection in 1989, the Applicant/Petitioner requested and was granted an extension of time to complete construction of the place of use and make full beneficial use of water through December 31, 1994, and December 31, 1995, respectively.

In addition, as a result of the compliance inspection, Division staff recommended that a new application be filed for direct diversion. A new application was needed because, under the conditions of the two existing permits, the ability to withdraw stored water from the reservoir is unintentionally restricted during periods of creek diversion to storage at Edwards Reservoir. This is due to the definition of direct diversion as it relates to the reservoir ("water going in is the first water going out") and the ability to divert to storage at a rate higher than the allowed rate of direct diversion for irrigation. Consequently, for the two existing permits only, during a significant portion of the year, the Applicant/Petitioner cannot access stored water without exceeding the allowable rate for direct diversion for irrigation.

Petition for Change of Place of Use for Permit 17360

On September 8, 1993, Applicant/Petitioner filed a petition for change of place of use for Permit 17360. The petition requests to change the place of use to include 218 acres of existing orchards and 104.5 acres of existing pasture, for a total of 322.5 acres, and a reduction of 51 acres for the place of use originally permitted. The petition was noticed and although two protests were received, they were not accepted.

Application 30289

In order to address the need for a new application as described above, the Applicant/Petitioner submitted Application 30289 on September 8, 1993. The application was filed in order to obtain a new permit for direct diversion at a rate not to exceed 4.14 cubic feet per second from October 1 of each year through May 1 of the succeeding year. As described in the application, the total combined amount of water to be diverted under the new application and the existing permits would not exceed 704.3 acre feet per annum, which is the maximum amount already authorized by the two existing permits. The place of use for the application would be the same place of use described above in the Petition for Change for Permit 17360. Since the diversion facilities had already been completed under the two existing permits, the only development associated with

the application would be for the place of use. The application was noticed and one protest was received, which was later dismissed.

Petitions for Extension of Time for Permits 17360 and 17361

On August 17, 2004, Applicant/Petitioner filed petitions for extension of time for the two existing permits to complete development of the place of use and make full beneficial use of water by December 31, 2027.

Bypass Agreement

Following extensive consultations with the Department of Fish and Game (DFG) to develop mitigation measures to address the potential impacts of operating the existing project, on October 21, 1997, the Applicant/Petitioner and DFG executed an "Agreement for Modification of Minimum Flow Requirements" (Agreement). The Agreement requires the Applicant/Petitioner to install a Creek Release to divert water from the reservoir back into Gato Creek in order to enrich the riparian corridor of Gato Creek during low flow conditions. The Agreement provides as follows:

1.a. From May 1 through October 31 the minimum bypass flow shall be 50 gallons per minute or the natural flow of Gato Creek, whichever is less.

1.b. From November 1 through April 30 the minimum bypass flow shall be 50 gallons per minute on a monthly average basis, but shall never be less on an instantaneous basis than 25 gallons per minute or the full natural flow of Gato Creek, whichever is less.

2. Except for November 1 through April 30 monthly average bypass flow, the bypass flows shall be measured through use of a V-notch weir. The V-notch weir has been installed at the diversion point. The November 1 through April 30 monthly average bypass will be based on the Gato Creek model, which is based on daily stream gauge reading for nearby San Jose Creek.

3. The bypass flow at the Gato Creek diversion shall be measured weekly on the same day of the week during the months of May through October, inclusive, so that the adjustments in releases into Gato Creek can be made.

4. The flow passing through the dam which runs into the unnamed tributary to Gato Creek shall be measured weekly on the same day that the Gato Creek diversion bypass flow is measured.

5. On the measuring date during the months of May through October, inclusive, that the sum of the bypass flow at the Gato Creek diversion plus the flow passing through the dam into the unnamed tributary is less than 50 gpm, permittee shall release into Gato Creek at the "delivery pipeline crossing" the lesser of (a) the amount necessary to bring total releases and bypasses to 50 gpm, or (b) 25 gpm minus the measured flow passing through the dam.

6. In no year shall permittee be required to release more water from the combination of flows passing through the dam and the release at the pipelines crossing then permittee stored in the reservoir during the immediate past storage season. Should permittee believe, in any dry year, that this provision will control releases, permittee shall notify

DF&G and will work with DF&G to provide releases at such times and flow rates and may best protect riparian conditions below the release point.

Pursuant to the Agreement, the Applicant/Petitioner has agreed to include the conditions of the Agreement under all bases of right in the Gato Creek watershed.

Summary of Water Right Permits and Application

In 1978, the State Water Board approved water right Permits 17360 (Application 24985) and 17361 (Application 25165) for the diversion of water from Gato Creek and an Unnamed Stream tributary to Gato Creek for irrigation, stockwatering, recreation, fire protection and domestic uses. These permits primarily allow for storage of water at Edwards reservoir, along with limited direct diversion rights, for a total diversion of 704.3 acre-feet per annum (afa). A summary of the existing permits is as follows:

Permit 17360 (Application 24985)

1. Direct diversion at a rate not to exceed 6,000 gallons per day (gpd) for stockwatering use from April 1 through December 31;
2. Direct diversion at a rate not to exceed 0.1 cubic feet per second (cfs) for irrigation use from April 1 through December 31; and,
3. Diversion to offstream storage of no more than 611 afa for irrigation, domestic, stockwatering, recreational and fire protection uses from October 1 through May 1. The maximum rate of diversion to offstream storage shall not exceed 4.14 cfs.
4. The total amount of water diverted under this permit shall not exceed 672 acre-feet per annum (afa).

Permit 17631 (Application 25165)

1. Direct diversion at a rate not to exceed 6,000 gpd for stockwatering use from January 1 through March 31; and,
2. Direct diversion at a rate not to exceed 0.1 cfs for domestic use from January 1 through December 31; and,
3. The total amount diverted under this permit for all uses shall not exceed 32.3 afa.

Application 30289

1. Direct diversion at a rate not to exceed 4.04 cfs from October 1 through December 31;
2. Direct diversion at a rate not to exceed 4.14 cfs from January 1 through March 31;
3. Direct diversion at a rate not to exceed 4.04 cfs from April 1 through May 1;
4. The appropriated water will be used for irrigation of 322.5 acres of avocado and citrus trees Sections 1, 2, & 12, T4N, R30W, SBB&M; and,
5. The total amount of direct diversion shall not exceed 672 afa and the total combined amount taken by direct diversion and storage during any one year will be 704.3 acre-feet under this application and Permits 17360 and 17361.

Whereas Edwards Reservoir is an onstream point of diversion with respect to the Unnamed Stream, it is an offstream point of storage with respect to diversions from Gato Creek, under the two existing permits and application.

Table 1. Water Right Permits and Application for Edwards Ranch, LLC

Permit 17360			Permit 17361			Application 30289			Maximum		
Rate & Amount	Season	Place of Use	Rate & Amount	Season	Place of Use	Rate & Amount	Season	Place of Use	Rate & Amount	Season	Place of Use
Direct Diversion – Stockwatering											
6,000 gpd	4/1 to 12/31	400 head	6,000 gpd	1/1 to 3/31	400 head	---	---	---	6,000 gpd	1/1 to 12/31	400 head
Direct Diversion – Domestic											
---	---	---	0.1 cfs	1/1 to 12/31	14 buildings	---	---	---	0.1 cfs	1/1 to 12/31	14 buildings
Direct Diversion – Irrigation											
---	---	---	---	---	---	4.14 cfs	1/1 to 3/31	322.5 ac	4.14 cfs 672 afa	1/1 to 12/31	322.5 ac
0.1 cfs	4/1 to 12/31	322.5 ac	---	---	---	4.04 cfs	4/1 to 12/31	322.5 ac			
Diversion to Offstream Storage – Multiple Uses											
4.14 cfs 611 afa	10/1 to 5/1	See below	---	---	---	---	---	---	4.14 cfs 611 afa	10/1 to 5/1	322.5 ac irrigation 400 head 14 buildings
	Recreation	At Reservoir	---	---	---	---	---	---			
	Fire Protection		---	---	---	---	---	---			
	Irrigation	322.5 ac	---	---	---	---	---	---			
	Stockwatering	400 head	---	---	---	---	---	---			
	Domestic	14 buildings	---	---	---	---	---	---			

Maximum Limit for Diversions

	Permit 17360		Permit 17361		Application 30289		Combined Permits and Application	
Direct Diversion – Stockwatering	6,000 gpd	---	6,000 gpd	32.3 afa	---	---	6,000 gpd	
Direct Diversion – Domestic	---	---	0.1 cfs		---	---	0.1 cfs	
Direct Diversion – Irrigation	0.1 cfs	---	---	---	4.14 cfs	672 afa	4.14 cfs	672 afa
Diversion to Offstream Storage	4.14 cfs	611 afa	---	---	---	---		
Maximum Annual Limit	---	672 afa	---	32.2 afa	4.14 cfs	672 afa	---	704.3 afa

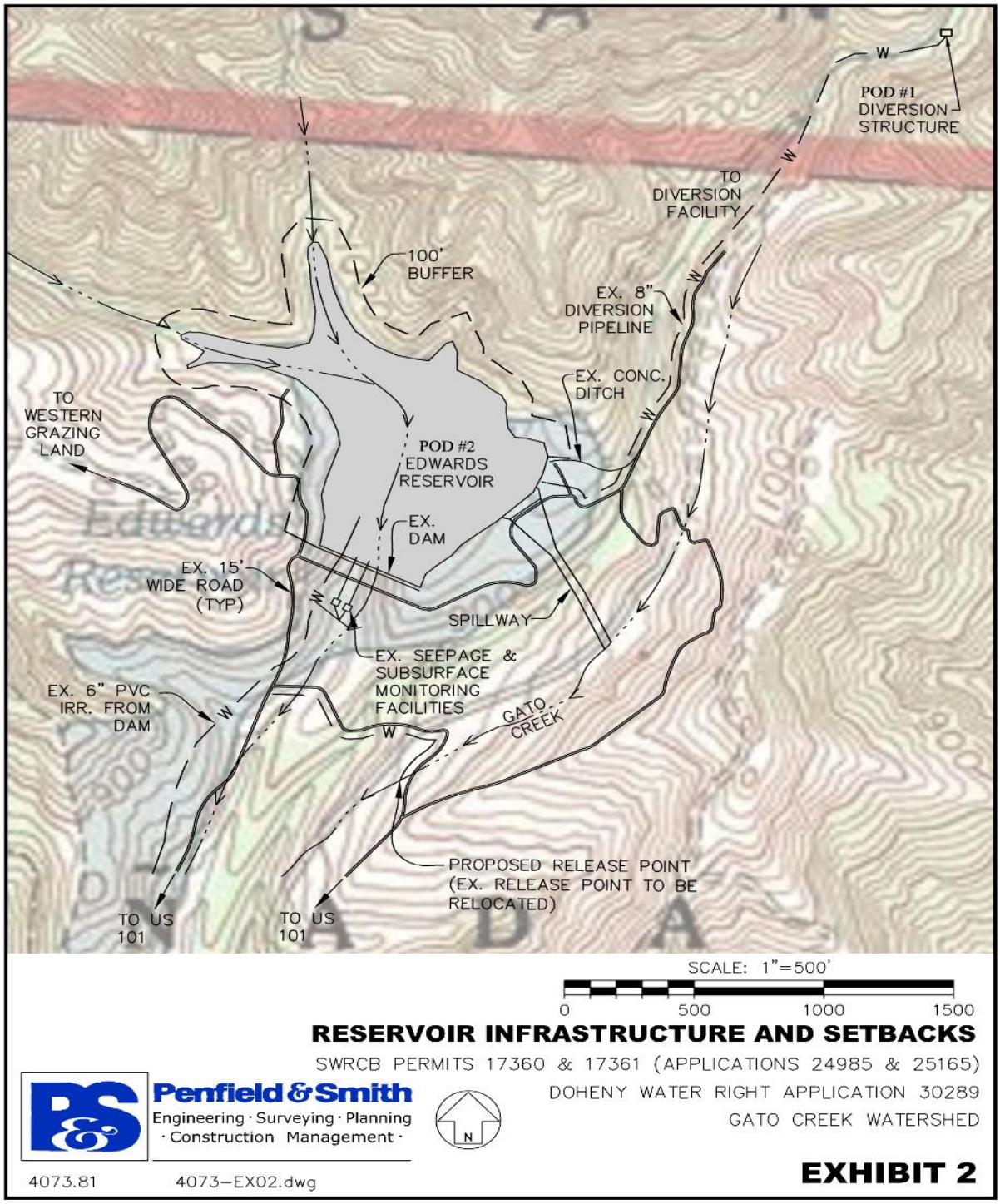
Existing Diversion Facilities

The existing water storage and diversion facilities include two points of diversion (POD), a reservoir, a spillway and an outlet (See Exhibit 2, below). POD No. 1 is located at the northerly reach of Gato Creek, within the Los Padres National Forest. It consists of a channel intake structure fitted with a debris rack, a grate, and water transmission pipes. POD No. 2 ("Edwards Reservoir") is situated offstream of Gato Creek on an Unnamed Stream tributary to Gato Creek, and above their confluence. Under existing permits, Edwards Reservoir diverts to storage flows from the Unnamed Stream, and also receives water diverted to storage from POD No. 1.

The reservoir consists of an earth fill dam (approximately 122 feet high) with a holding capacity of 644 acre-feet (af) of water. Along the eastern side of the reservoir is a concrete spillway. South of the reservoir, there are seepage and subsurface monitoring facilities (i.e., the collection system) that capture seepage and release it back into the Unnamed Stream tributary to Gato Creek. The seepage and subsurface flow currently provides a continuous release into the creek of approximately three to four gallons per minute, 365 days out of the year. Reservoir outlet piping includes a six inch diameter irrigation transmission main that extends from the southerly end of the dam and continues approximately 3,000 feet south of the dam before it crosses to the east side of Gato Creek. Additionally, a small diameter pipe was installed at this location as part of a Bypass Agreement executed between the Applicant/Petitioner and DFG ("Creek Release"). The Creek Release is described in more detail below.

Water diverted at POD No. 1 is delivered to offstream storage at Edwards Reservoir through 2,500 feet of eight inch pipeline. Water not appropriated under Applicant's/Petitioner's permits bypasses Edwards Reservoir in two ways. The first bypass is at POD No. 1, where water not diverted continues to flow downstream. The second bypass is the "Creek Release" pipe that allows a portion of the water appropriated at Edwards Reservoir to be re-diverted, or "bypassed", back into Gato Creek.

For the purpose of irrigation, transmission pipes are connected at the southerly end of the reservoir to transfer water to the existing avocado and citrus trees. For the purpose of stockwatering, and depending on where the cattle are grazing, water is delivered to troughs through nearby water spigots. The Applicant/Petitioner currently does not utilize any of the diverted water for domestic use. All domestic water service is currently provided by the Goleta Water District. The District presently provides bottled water to all residents on Applicant/Petitioner's Ranch because water from the District's West Conduit serving ranches in this area does not meet State standards for drinking water.


POD #1
DIVERSION
STRUCTURE
TO
DIVERSION
FACILITY
100'
BUFFER
EX. 8"
DIVERSION
PIPELINE
EX. CONC.
DITCH
TO
WESTERN
GRAZING
LAND
POD #2
EDWARDS
RESERVOIR
EX.
DAM
EX. 15'
WIDE ROAD
(TYP)
SPILLWAY
EX. SEEPAGE &
SUBSURFACE
MONITORING
FACILITIES
EX. 6" PVC
IRR. FROM
DAM
GATO
CREEK
PROPOSED RELEASE POINT
(EX. RELEASE POINT TO BE
RELOCATED)
TO US
101
TO US
101
SCALE: 1"=500'
0
500
1000
1500
RESERVOIR INFRASTRUCTURE AND SETBACKS
SWRCB PERMITS 17360 & 17361 (APPLICATIONS 24985 & 25165)
DOHENY WATER RIGHT APPLICATION 30289
GATO CREEK WATERSHED
Penfield & Smith
Engineering · Surveying · Planning
· Construction Management ·
N
4073.81
4073–EX02.dwg
EXHIBIT 2

POD No. 1 Looking Downstream – Bypass Pipe at Left – Collection Box at Right

POD No. 2 Reservoir and Spillway

Existing Place of Use

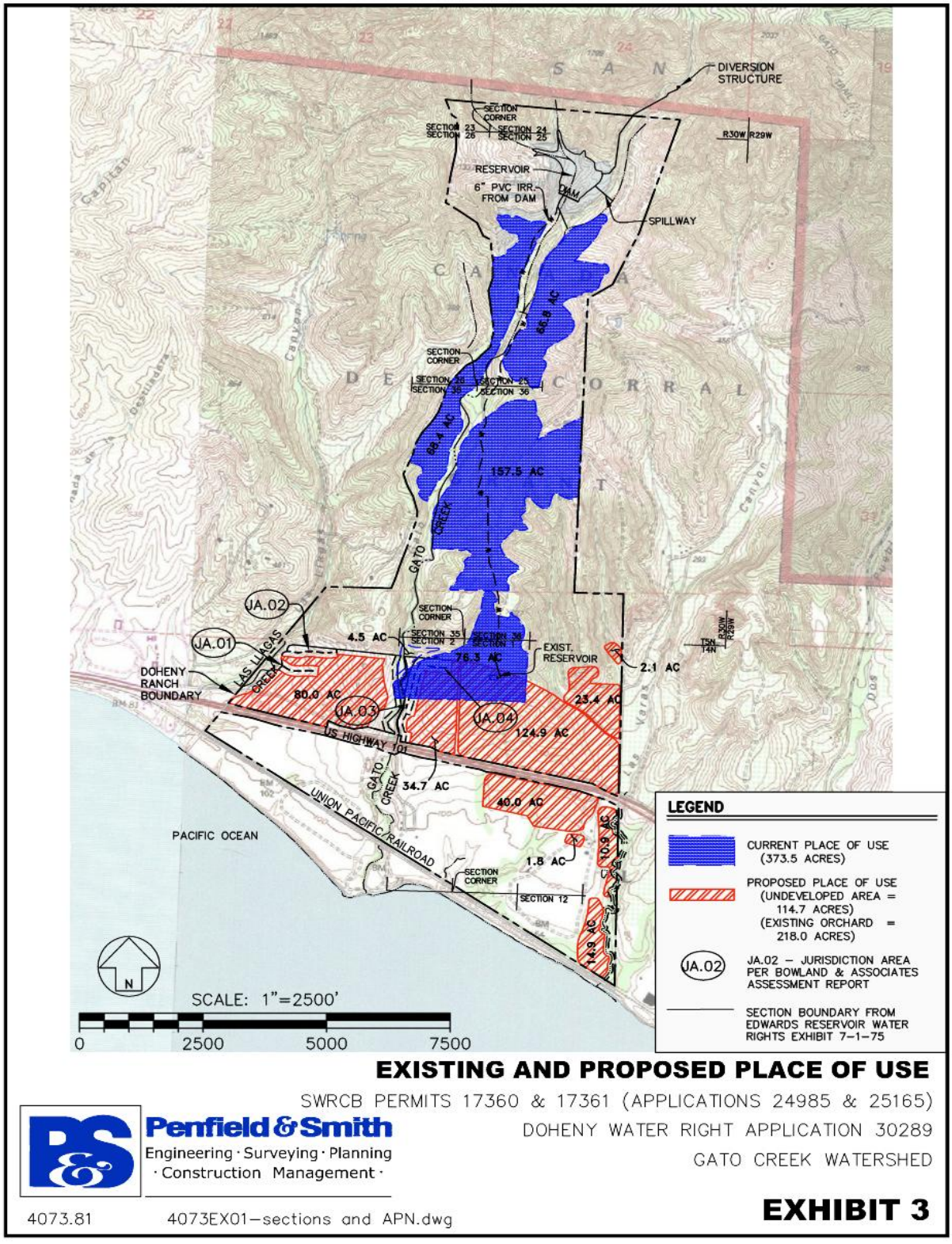
On the date the Petition for Change of Place of Use for Permit 17360, approximately 94 percent of the current Place of Use for Permits 17360 and 17361 was undeveloped and there was no plan for new agricultural development within these areas. Instead, the Applicant/Petitioner proposed to amend the Place of Use by removing the undeveloped portions of the original Place of Use and adding areas that are already developed, to include an existing orchard (218 acres) and pasture (104.5 acres). The proposed change will allow Applicant/Petitioner to irrigate the existing orchards (218 acres) and develop the 104.5 acres of pasture, for a total place of use of 322.5 acres (See Exhibit 3, below). The proposed change in place of use is for Permit 17630 (Application 24985) only and does not affect Permit 17361. As such, the proposed change will not affect domestic use and stockwatering use designations on all Ranch property.

Application 30289 would share the same proposed Place of Use as described in the Petition for Change of Place of Use for Permit 17360.

Table 2. Comparison of Places of Use for Permit 17360

Section	Location within the Section	Current Place of Use (acres)		Proposed Place of Use (acres)	
		Total	**Developed**	**Total**	**Developed**
Section 1	T4N, R30W, SBB&M	36.9	19.4	203.1	201.6
Section 2	T4N, R30W, SBB&M	30.0	0.7	104.5	1.4
Section 12	T4N, R30W, SBB&M			14.9	15.0
Section 25	T5N, R30W, SBB&M	101.6			
Section 26	T5N, R30W, SBB&M	4.3			
Section 35	T5N, R30W, SBB&M	61.1			
Section 36	T5N, R30W, SBB&M	139.6			
	Total	373.5	20.1	322.5	218.0

*Proposed Place of Use for Permit 17360 is the same for Application 30289



EXISTING AND PROPOSED PLACE OF USE

SWRCB PERMITS 17360 & 17361 (APPLICATIONS 24985 & 25165)

DOHENY WATER RIGHT APPLICATION 30289

GATO CREEK WATERSHED

Penfield & Smith
Engineering · Surveying · Planning · Construction Management ·

4073.81 4073EX01–sections and APN.dwg

EXHIBIT 3

Project Description and Baseline Conditions

This document will review the proposed project as described by the three major components: relocation of the creek release point, analysis of the incremental increase in water diversions requested by the Petitions for Extension of Time and the Application, and (3) analysis of the proposed Place of Use as described in the Petition for Change of Place of Use and the Application.

Proposed Relocation of Creek Release

As required by the above referenced 1997 Agreement, the Creek Release is presently located at 34º 28.86' north latitude and 119º 58.88' west longitude. After several visits to the site, DFG staff concluded that this discharge location provided little benefit to aquatic resources.

In July 2001, after several visits to the site, DFG staff concluded that the current location of the Creek Release point provides little benefit to aquatic resources, and suggested that the current Creek Release location be abandoned. In order to provide more effective protection for aquatic resources and the riparian corridor, DFG staff recommended that a new Creek Release be installed above ground within the riparian corridor at a location of 34º 29.366' north latitude and 119º 58.683' west longitude. The new location is approximately 700 feet upstream of the current location. Abandonment of the current location and installation of the Creek Release at the new location will be evaluated in this document.


Existing Creek Release Meter No. 5 and Release Pipe (to be relocated)

Increase in Water Diversions

Prior to expiration of the two permits, the Applicant/Petitioner reported beneficial use of approximately half of the water diversion amounts authorized. For Permits 17360 and 17361, the Applicant/Petitioner has petitioned for an extension of time to fully develop the Place of Use and demonstrate full beneficial use of water. The Applicant/Petitioner has requested to extend this time for the two permits and a new period for the application through December 31, 2027. Consistent with State Water Board policies and responsibility as a CEQA Lead Agency, the incremental increase in the amount of water that is proposed to be diverted will be reviewed in this document. The Petitions for Extension of Time, together with the Application and Petition for Change in Place of Use, will allow the Applicant/Petitioner to beneficially use the full quantity of water authorized for appropriation under the above permits and application.

To illustrate baseline conditions, a summary of the amount of water that is authorized to be put to beneficial use under the existing permits and the amount of water that actually has been beneficially used is provided in Table 3.

Table 3. Summary of Existing Water Right Permits and Water Use

Application Number	Permit Number	Permitted Complete Use By	Water Use (ac-ft)		
			Permitted	Actual[1]	Change
24985	17360	12/31/1995	672	376	296
25165	17361	12/31/1995	32.3	1.5	30.8
		Total	704.3	377.5	326.8

[1] Estimated actual water use based on 1993 Progress Report by Permittee.

Evaluation of Table 1 reveals that approximately 377.5 acre-feet of water had been put to beneficial use at the time the Petitions for Extension Time were filed. Approval of the petitions would authorize approximately 326.8 acre-feet of additional surface water use beyond that occurring at the time they were filed. Purchased water and groundwater (See Water Code section 1011.5) are currently used to supplement these amounts. The maximum permitted amounts enable the maintenance of sufficient carry-over storage for dry years.

Place of Use

As described above, the Petition for Change of Place of Use for Permit 17360 and Application 30289 proposes to change the Place of Use (Table 2). Within the proposed Place of Use, approximately 218 acres is presently developed and 104.5 acres are undeveloped. This document will evaluate the impacts, if any, of development in the 104.5 acres of additional Place of Use.

Summary

The CEQA baseline date for this project is September 8, 1993, the date that the Petition for Change and Application were filed with the Division. This document will evaluate the potential impacts that may occur as a result of development beyond that date, including: (1) relocation of the Creek Release point to a location upstream; (2) the incremental increase in water diversion of 326.8 acre-feet in the Gato Creek watershed; and, (3) the development of 104.5 acres. All other project characteristics will be considered to be part of the Environmental Baseline for CEQA purposes.

Table 5. Comparison of Places of Use for Permit 17360

Existing Project Components at CEQA Baseline	CEQA Baseline Date	Project Components Evaluated in this IS/MND
○ 644 af reservoir ○ 218 acres of Place of Use ○ Diversion of 377.5 afa and use of water on 218 acres of Place of Use	September 8, 1993	○ Relocation of Creek Release point ○ Diversion of additional 326.8 afa ○ Development and use of water on 104.5 acres of Place of Use

Environmental Setting

The proposed project is located in the Gato Creek watershed in the western portion of Goleta Valley, in Santa Barbara County. The project site is approximately 1,802 acres in size. The Assessor Parcel Numbers (APNs) associated with the proposed project are 079-080-001; -002; -009; -012; -013; -014; -022; 081-240-003; -014, also referred to herein as the "Ranch".

Las Varas Ranch (i.e., the Ranch) historically has been involved in orchard cultivation and cattle grazing operations. Currently there are approximately 218 acres of land under cultivation (avocado and citrus trees). According to Paul Van Leer, Ranch Manager, the owner maintains an approximate 75 cow-calf operation (heifer and stocker). Eight residential units and other farm related accessory structures are located on the site. The Gato Creek water diversion structure and Edwards reservoir are located in the northern portion of the property. The reservoir is off-stream of Gato Creek and is located approximately one mile south of the Gato Creek diversion structure. There are seven non-jurisdictional groundwater water wells located throughout the Ranch. Access to the site is from U.S. Highway 101.

Gato Creek traverses the property from north to south. U.S. Highway 101 and the Union Pacific Railroad tracks each bisect the property from east to west. A box culvert 12 feet by 12 feet carries Gato Creek under U.S. Highway 101. A second culvert (approximately 75 feet long, ten feet wide and arch approximately 12 feet high) with a rock bottom carries the creek under the railroad tracks. The culvert under the railroad tracks is large enough to provide vehicular access to the beach but is not currently used by vehicles. Between these two culverts there is an "Arizona" crossing across Gato Creek.

Topography ranges from gently sloped in the southern portions of the Ranch to steep in the northerly portions. According to the Soil Conservation Service (1979), soils onsite consist of the following: Ayar Series (AhG, AhF2, AhE2), Baywood Series (BcC), Cortina stony loamy sand (ChC), Goleta Series (GcC), Gaviota sandy loam (GaG, GaE), Lodo Series (LcG), Milpitas Series (MeD2, MdF), and Todos Series (TbE2, TdF2), erosion hazard ranges from low to high. There are no prime agricultural soils on the property.

The remaining portions of the property include ranch roads and vegetative cover characteristic of coastal chaparral, coastal sage scrub, grasslands, and riparian habitat. Plants onsite include the following:

1. Annual Grassland consisting of Harding grass (*Phalaris aquatica*), black mustard (*Brassica nigra*), tocalote (*Centaurea melitensis*), Italian thistle (*Carduus pycnocephalus*), Italian ryegrass (*Lolium* multiflorum), and milk thistle (*Silybum marianum*);

2. Native plants such as coyote bush (*Baccharis pilularis*), California sagebush (*Artemisia californica*), and purple needlegrass (*Nassella pulchra*);

3. Coastal sage scrub occurs along Gato Creek and in a few small areas along a frontage road that parallels U.S. Highway 101 east of Las Varas Creek. These areas are dominated by native perennial scrubs such as California sagebush and purple sage (*Salvia mellifera*), along with coyote bush, deerweed (*Lotus scoparius*), and California aster (*Lessingia filaginifolia*) and very small areas of purple needlegrass; and,

4. Oak woodland with coastal sage understory including coast live oak (*Quercus agrifolia*), hummingbird sage (*Salvia spathacea*), California sagebrush, coyote bush, purple sage (*Salvia leucophylla*), wild rye (*Leymus condensatus*), and poison oak.

Adjacent uses are predominantly agricultural. To the east, the land is planted with avocados and other irrigated crops or used for cattle grazing. To the west are additional agricultural operations, some of which are located on smaller ranches. To the north lies largely undisturbed territory within the Los Padres National Forest.

As reflected in Applicant/Petitioner's annual progress reports, Applicant/Petitioner's beneficial use of water under Permit Nos. 17360 and 17361 has increased over time from less than 100 afy to over 200 afy as additional acreage was placed under irrigation. Applicant/Petitioner's requested Petition for Change of place of use and extensions of time will permit Applicant/Petitioner to make maximum beneficial use of the quantity of water authorized to be appropriated by Permit Nos. 17630 and 17631. The maximum quantity of water authorized by Permits 17630 and 17631 is needed to provide sufficient carry-over storage in Edwards reservoir to ensure adequate supplies to serve permitted uses during dry years.

As noted above, approximately 94 percent of the designated place of use under Permits 17630 and 17631 remains undeveloped. These areas are composed of annual grasslands and are located south of Edwards reservoir within Sections 35 and 36. There are no plans for new agricultural development within these areas.

The majority of the proposed place of use lies within existing orchards (218 acres), with the remaining areas proposed as the designated place of use consisting of grazed annual grassland (104.5 acres). These areas are located south of Sections 35 and 36.

Responsible and Trustee Agencies

The State Water Board is the lead agency under CEQA with the primary authority for project approval. In addition, the following responsible and trustee agencies may have jurisdiction over some or all of the proposed project:

County of Santa Barbara Planning & Development Department (County): In 1984, the County certified Environmental Impact Report (83-EIR-19) and approved Major Permit No. 82-MP-4 for the construction of the Gato Creek Water Diversion. On May 26, 1994, the County approved a Substantial Conformity Determination (SCD) for the proposed revisions to Permit No. 82-MP-4. The SCD acknowledged the Applicant/Petitioner's request to change/clarify the operational parameters of the proposed project and the method used to meet the minimum bypass flow requirements. The County must issue a Land Use Permit to validate the proposed new method of compliance as noted in the SCD. Land Use Permit (case no. 03LUP-00000-00298) was approved on June 25, 2003 and issued on April 20, 2005.

California Coastal Commission: The California Coastal Commission, in partnership with coastal cities and counties, plans and regulates the use of land and water in the coastal zone. The coastal zone, which was specifically mapped by the Legislature, varies in width from several hundred feet in highly urbanized areas up to five miles in certain rural areas, and offshore the coastal zone includes a three-mile-wide band of ocean. Development activities, which are broadly defined by the Coastal Act to include (among others) construction of buildings, divisions of land, and activities that change the density or intensity of use of land or public access to

coastal waters, generally require a coastal development permit from either the Coastal Commission or the local government.

The Coastal Zone is divided into two permit jurisdictions, Appeal Jurisdiction and Permit Jurisdiction. The County of Santa Barbara has a certified Local Coastal Plan whereby the County is authorized to issue Coastal Development Permits. For projects located within the Coastal Commission's Appeal Jurisdiction, County action on a Coastal Development Permit may be appealed to the Coastal Commission for a final decision. The project is not located within the Coastal Commission's Appeal Jurisdiction; however, the County has some jurisdiction over the project under its Coastal Zoning Ordinance. Pursuant to Article II of the County Code, Section 35-169.2, installation of irrigation lines and other agricultural activities that do not require a Grading Permit pursuant to Chapter 14 of the Santa Barbara County Code are exempt from a Coastal Development Permit. Pursuant to Section 14-8 Grading for Agricultural Practices, agricultural grading is exempt from a grading permit if earthwork does not exceed fifty (50) cubic yards in volume or excavation and fills are less than three (3) feet in vertical distance to the natural contour. No grading is proposed. The project includes no earth disturbance within 50 feet of the top of bank for Gato Creek. As such, a Coastal Development Permit would not be required for the project.

Department of Fish and Game: DFG has jurisdiction over work within the bed, bank or channel of streams and lakes within the state. Jurisdictional waters are areas subject to the regulatory authority of the DFG under California Fish and Game Code, section 1600.

California Regional Water Quality Control Board, Central Coast Region: The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) is designated as the state water pollution control agency for all purposes stated in the federal Water Pollution Control Act and is authorized to provide certification that there is reasonable assurance that an activity of any person subject to the jurisdiction of the State Water Board will not reduce water quality below applicable standards.

U.S. Army Corps of Engineers: The U.S. Army Corps of Engineers (ACOE) has jurisdiction over waters of the U.S., which include drainages (creeks and streams), wetlands, and other water bodies such as tidelands and lakes. Waters of the U.S. are subject to the regulatory authority by the ACOE under the Federal Clean Water Act, section 404.

National Marine Fisheries Service: The National Marine Fisheries Service (NMFS) oversees the Endangered Species Act governing the take, sale, purchase, barter, exportation, importation of, and other requirements pertaining to marine species, including anadromous fish, under the jurisdiction of the Secretary of Commerce and determined to be threatened or endangered.

U.S. Fish and Wildlife Service: The U.S. Fish and Wildlife Service (USFWS) issues permits under various wildlife laws and treaties at different offices at the national, regional, and/or wildlife port levels. The USFWS has jurisdiction over terrestrial species, non-marine aquatic species and the California red-legged frog. Regional offices administer native endangered and threatened species permits under the Endangered Species Act. Permits are issued to qualified applicants for the following types of activities: enhancement of survival associated with Safe Harbor Agreements and Candidate Conservation Agreements with Assurances, incidental take associated with Habitat Conservation Plans, recovery, and interstate commerce. In the case of this project, the USFWS provided a Biological Opinion, dated February 28, 2003, to ensure that the programmatic biological opinion for Nationwide Permits 13 and 33 adequately describe the Southern California steelhead and the absence of critical habitat within the project site.

Nationwide Permit Number 13 is for Bank Stabilization (e.g. activities necessary for erosion protection provided the activity meets all required criteria). Nationwide Permit 33 is for Temporary Construction, Access and Dewatering (e.g. temporary structures, work and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites; provided that the associated primary activity is authorized by the Corps or U.S. Coast Guard or for other construction activities not subject to the Corps of U.S. Coast Guard regulations). The USFWS prepares terms and conditions of the Biological Opinion as part of the ACOE Nationwide Permit.

II. ENVIRONMENTAL IMPACTS

The environmental factors checked below could be potentially affected by the proposed project. See the checklist on the following pages for more details.

☐ Land Use and Planning	☐ Transportation/Circulation	☐ Public Services
☐ Population and Housing	☒ Biological Resources	☐ Utilities and Service Systems
☒ Geological Problems/ Soils	☐ Energy and Mineral Resources	☐ Aesthetics
☐ Hydrology/Water Quality	☐ Hazards	☒ Cultural Resources
☐ Air Quality	☐ Noise	☐ Recreation
☐ Agriculture Resources	☐ Mandatory Findings of Significance	

1. GEOLOGY and SOILS. Would the project:

Issues (and Supporting Information Sources)	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated in the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines & Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒
d) Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternate wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

The project site is located on the southern side of the Santa Ynez Mountains, a major east-west trending mountain range. The northern portion of the project site comprises areas exhibiting slopes from five percent to greater than 20 percent slope. Areas immediately north and south of U.S. Highway 101 are gently sloping with a variable slope of two percent to 12 percent, except for the steep coastal bluffs immediately above the sandy beach and Pacific Ocean.

The south coast region of Santa Barbara County is generally prone to seismic shaking and contains many faults. The major active fault nearest the project site is the Santa Ynez fault about 4.5 miles to the north. The Santa Ynez fault is rated as capable of generating a maximum credible earthquake of Richtor magnitude 7.2 (County of Santa Barbara Seismic Safety Element, 1979). The other mapped faults in the area include the Dos Pueblos and Eagle faults, which are considered inactive.

As previously discussed, there are no new plans for new agricultural development within the authorized place of use. Rather, approximately 218 acres of the proposed place of use are presently under orchard cultivation (avocado and citrus trees). Approximately 104.5 acres of annual grassland are currently grazed for the benefit of approximately 75 head of cattle and are also proposed to be included within the authorized place of use. These 104.5 acres are within Sections 1, 2 and 12.

Impact Discussion:

a, c.) The potential for liquefaction or other geologic hazards to result in significant impacts at the project site is low. According to 83-EIR-19, an extensive geologic investigation of the existing dam and reservoir site by Morley (1974) revealed that no hazardous or adverse conditions such as landsliding, adverse bedding or jointing were present at the dam and reservoir sites.

The Petition for Change of Permit 17360 identifies existing orchards and annual grasslands to be included within the authorized places of use for irrigation. The proposed place of use is in the southern region of the property that exhibits slopes approximately two percent to 12 percent. Applicant/Petitioner proposes to eliminate all other acreage from the existing authorized places of use under the permits.

Proposed areas designated as POU would not expose people or structures to potentially adverse effects to the extent anticipated given that the property is zoned Agriculture and is devoted to an on-going agricultural operation. Any inconvenience or discomfort from properly conducted agricultural operations is permitted consistent with the intent of the Right to Farm Ordinance. As discussed under Section 5, Agricultural Resources, Applicant/Petitioner's agricultural operations are subject to the jurisdiction and regulatory authority of Santa Barbara County Agricultural Commissioner.

Approximately 218 acres of the proposed place of use is presently under orchard cultivation (avocado and citrus trees). Approximately 104.5 acres that is currently composed of annual grassland is included as an area that would be converted to orchards. Grading for the purpose of agriculture development has and would occur in areas more conducive to orchards (versus the steeper areas previously designated as the authorized place of use). Agricultural practices employed at the Ranch include, but are not limited to contour planting, terracing and recycling top soil for beneficial use. According to Ranch Manager Paul Van Leer, the 218 acres of existing orchard development has not experienced unstable soil conditions nor have people and structures been exposed to substantial geologic adverse effects from the development of 218 acres of orchard. Implementation of these historically applied best management practices (BMPs) for the remaining 104.5 acres of annual grassland to orchard is not anticipated to result in on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse.

b.) The County of Santa Barbara recognizes the importance of agriculture and grants exemptions from requiring the property owner to obtain a Coastal Development/Land Use or Grading Permit for traditional agricultural earthwork activities in association with the production of food and fiber, the growing of plants, and the raising and keeping of livestock incidental to agriculture. Pursuant to the Santa Barbara County Code, Chapter 14, Grading Ordinance Section 14.8 Grading for Agricultural Purposes, the following agricultural earthwork activities are exempt from permits:

- Agricultural leveling, pursuant to normal and usual agricultural practices, which does not result in any cut or fill which exceeds, at any point, three feet from the natural contour of the surface of the land.

- On slopes with a natural gradient less than thirty percent.

- Estimated earthwork which does not exceed fifty cubic yards in volume.

- Grading not within fifty feet of the top of the bank of any stream, creek or natural watercourse.

The subject property is 1,802 acres and is zoned Agriculture (AG-II-100 and U). Earth disturbance for the purpose of installing orchard trees on approximately 218 acres of the proposed place of use has already occurred. Proposed earthwork for the remaining 104.5 acres that are currently grazed for the benefit of approximately 75 head of cattle and could be converted to orchards would employ the same agricultural methods utilized for orchard development on the planted 218 acres.

Currently the Ranch is governed by an Agricultural Conditional Waiver (Number AW1448) issued by the Central Coast Regional Water Quality Control Board. The conditional waiver requires that Mr. Van Leer, as Ranch Manager, develop and maintain farm water quality management plans that address, at a minimum, irrigation management, nutrient management, pesticide management and erosion control; implementing best management practices; and monitoring to ensure compliance with the waiver requirements.

The conditional waiver requires on-going management of soil erosion and avoidance of loss of topsoil. Agricultural practices employed at the Ranch include contour planting and the digging of trenches to avoid down-slope water runoff. Dead plant material, sticks and cobbles are not removed from beneath orchard trees so as to protect bare soil from wind and water erosion. A small portion of the top soil is anticipated to be lost during initial orchard development; however, agricultural terracing promotes the retention of top soil for beneficial use when tilling the area. Provided that Mr. VanLeer continues to comply with Agricultural Conditional Waiver Number AW1448, no additional threat of impacts to geology and soils is expected.

The proposed installation of a new Creek Release would not require grading because it is installed above-ground. All other areas currently specified as irrigated places of use will be eliminated upon the approval of the Petition for Change. As such, future grading would require local agency review and approval unless the proposed agricultural grading is determined to be exempt.

d.) The proposed project does not include construction of any structures nor would the proposed project create substantial risks to life or property.

e.) Not applicable. No private sewage disposal systems or alternate wastewater disposal systems are proposed.

Permit Terms Required

To prevent any potentially significant impacts to Geology and Soils, any permit issued pursuant to Application 30289 or orders issued by the State Water Board amending Permits 17360 and 17361 shall include the following mitigating Permit term, substantially as written:

- ***Erosion Hazard****. An erosion control/revegetation plan and implementation schedule, prepared by a licensed civil engineer, shall be submitted to and approved by the Deputy Director for Water Rights prior to cultivation of any uncultivated lands within the proposed place of use. Such plan shall be consistent with the requirements of Agricultural Waiver (Number AW1448, or successor waiver, issued to Permittee by the Central Coast Regional Water Quality Control Board. Before diverting water in excess of the quantities diverted on or before December 31, 1995 under this permit, Permittee shall furnish evidence that substantiates that the erosion control/revegetation plan has been implemented. Evidence includes photographs showing the project area and vegetation and slopes.*

With implementation of the above mitigation measure, project specific impacts as well as the proposed project's contribution to cumulative impacts to geology and soils in the area would be less than significant.

2. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

Issues (and Supporting Information Sources):	**Potentially Significant Impact**	**Less Than Significant With Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
d) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒
Greenhouse Gas Emissions				
f) Emissions equivalent to or greater than 10,000 metric tons of CO_2 per year from stationary sources during long-term operations?	☐	☐	☐	☒
g) Emissions equivalent to or greater than 1,100 MT of CO2 per year or 4.6 MT CO_2e/Service Population (residents + employees) per year from other than stationary sources during long-term operations?	☐	☐	☐	☒
h) Emissions equivalent to or greater than 6.6 MT CO_2e/Service Population (residents + employees) per year for plans (General Plan Elements, Community Plans, etc.)?	☐	☐	☐	☒

Santa Barbara County was designated an attainment area for the Federal one-hour ozone standard, and is now a designated attainment area for the 8-hour ozone standard as well (as of June 15, 2004). The County does meet the State 1-hour ozone standard but does not meet the

State standard for particulate matter less than 10 microns in diameter (PM10). The County is in attainment for the Federal $PM_{2.5}$ standard. Although the State has not yet issued attainment designations for the recently adopted California 8-hour ozone standard, historical monitoring data suggests that Santa Barbara County will be designated as non-attainment for this standard. Air quality planning for meeting the State standard also serves as the plan for continuing to meet Federal ozone standards into the future.

Impact Discussion:

The Santa Barbara County Air Pollution Control District (APCD) is responsible for regulating stationary emission sources in the region and has established guidelines for the scope and content of the air quality analysis in CEQA documents. APCD has established screening criteria to determine the potential of a development to generate emissions that exceed the County's adopted threshold of 25 pounds per day for NO_x or ROC. Use of the APCD *Land Use Screening Table for 2002 Project Occupancy* (dated August 7, 2002) indicates that the proposed project would not have the potential to exceed the County's threshold for projects or expansions. Since there is no significant increase in use proposed, no increase in operational impact is expected, and thus the long-term air quality impacts associated with the proposed project would not be significant.

Pursuant to the County of Santa Barbara's Agricultural Element included in the County Comprehensive Plan and the County Right to Farm Ordinance, the County recognizes that the generation of noise, smoke, odor and dust is a natural consequence of normal agricultural practices provided that the agriculturists exercise reasonable measures to minimize such effects. Short-term grading activities associated with farming practices could generate dust, however, agricultural operations are prone to dust and, although considered adverse, dust generation would be temporary.

a-e.) Short-term air quality impacts caused by dust generation and emissions from construction equipment could occur during grading activities associated with agricultural development (i.e., planting orchard trees, etc.). The County has not established quantitative thresholds for either short-term, construction-related dust generation or short-term thresholds for ozone precursors from construction equipment. The proposed project does not conflict with the Santa Barbara County APCD rules and regulations. Of the 373.5 acres of designated POU, 218 acres are currently cultivated with avocado and lemon trees. Approximately 104.5 acres of land could be converted to orchard, Because a portion of the existing and proposed places of use overlap (31.4 acres), there would be a decrease of approximately 20 acres of agricultural development from that which was previously approved. Short-term grading activities associated with farming practices are expected to be less than projected for the 1984 project.

Through enactment of an ordinance adding Section 3-23, Article V to Chapter 3 of the County Code, any inconvenience or discomfort from properly conducted agricultural operations, including noise, odors, dust, and chemicals, will not be deemed a nuisance. Agricultural practices have been in place for several years with no odors, dust, and chemicals that were deemed a nuisance. Agricultural practices employed currently at the Ranch would also be implemented at the new POU. The proposed project would not expose sensitive receptors to substantial pollutant concentrations (i.e., smoke, objectionable odors, etc.).

f-h.) Greenhouse Gas Emissions / Global Climate Change

Background:

Greenhouse gases (GHGs) include carbon dioxide (CO_2), methane(CH_4), nitrous oxide (N_2O), hydrofluorcarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride (SF_6) and nitrogen trifluoride (NF_3). Combustion of fossil fuels constitutes the primary source of GHGs. GHGs accumulate in the atmosphere, where these gases trap heat near the Earth's surface by absorbing infrared radiation. This effect causes global warming and climate change, with adverse impacts on humans and the environment. Potential effects include reduced water supplies in some areas, ecological changes that threaten some species, reduced agricultural productivity in some areas, increased coastal flooding, and other effects.

Methodology:

The County of Santa Barbara's methodology to address Global Climate Change in CEQA documents is evolving. The County is currently working to develop an inventory of GHG emmissions and a Climate Action Stretegy and Climate Action Plan based on this data. Until County-specific data becomes available and significance thresholds applicable to GHG emissions are developed and formally adopted, the County will follow an interim approach to evaluating GHG emissions. The interim approach will look to criteria adopted by the Bay Area Air Quality Management District (BAAQMD), summarized below, for guidance on determining significance of GHG emissions.

Significance Determination Criteria	
GHG Emission Source Category	
Non-stationary Sources	1,100 MT of CO_2e/yr OR 4.6 MT CO2/SP/yr (residents + employees)
Stationary Sources	10,000 MT/yr
Plans	6.6 MT CO2e/SP/yr (residents + employees)

The BAAQMD does not include any standards for construction-related emissions.

There are eight existing single-family residences. No new residences or commercial development is proposed. No new employees would need to be hired and the existing household size of approximately 3 people would not change. Existing GHG emissions are estimated to be the following:

Emissions Calculations:
Direct Emissions:
Subtotal direct CO_2e emissions/residence/year: 6.57 metric tons

Indirect Emissions:	
Subtotal electrical CO_2e emissions/yr	10.5 metric tons
Total Emissions, Direct and Indirect:	
Total CO_2e Emissions/year	115.50 metric tons
Total CO_2e Emissions/service population/year	3.0 metric tons/person/yr

Significance Determination	
Plan significance criterion#1	2.3 metric tons CO_2e/service population/year
Annual plan emissions at buildout/SP/year	3.0 metric tons CO_2e/service population/year
Residual significant impact	0.7 metric tons CO_2e/service population/year
Plan significance criterion#2	550 metric tons CO_2e/year
Annual plan emissions at buildout/SP/year	115.50 metric tons CO_2e/year

Cumulative Impacts: The County's Environmental Thresholds were developed, in part, to define the point at which a project's contribution to a regionally significant impact constitutes a significant effect at the project level. In this instance, the project has been found not to exceed the threshold of significance for air quality. Therefore, the project's contribution to regionally significant air pollutant emissions is not considerable, and its cumulative effect is less than significant.

Permit Terms Required

To prevent any threat of impacts to air quality during project-related construction (i.e., grading or relocation of the Creek Release), any permit issued pursuant to Application 30289 or orders issued by the State Water Board amending Permits 17360 (Application 24985) and 17361 (Application 25165) shall include the following mitigating Permit terms, substantially as written:

- ***Other Agency Permits term***, *See Hydrology and Water Quality section, below.*

3. HYDROLOGY & WATER QUALITY. Would the project:

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (*e.g.*, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site, including through alteration of the course of a stream or river, or substantially increase the rate or volume of surface runoff in a manner that would:				
(i) result in flooding on- or off-site	☐	☐	☐	☒
(ii) create or contribute runoff water that would exceed the capacity of existing or planned stormwater discharge	☐	☐	☐	☒
(iii) provide substantial additional sources of polluted runoff	☐	☐	☐	☒
(iv) result in substantial erosion or siltation on-or off-site?	☐	☐	☐	☒
d) Otherwise substantially degrade water quality?	☐	☐	☐	☒
e) Place housing or other structures, which would impede or re-direct flood flows within a 100-yr. flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
f) Expose people or structures to a significant risk of loss, injury, or death involving flooding:				
(i) as a result of the failure of a dam or levee?	☐	☐	☐	☒
(ii) from inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒
g) Would the change in the water volume and/or the pattern of seasonal flows in the affected watercourse result in:	☐	☒	☐	☐
(i) a significant cumulative reduction in the water supply downstream of the diversion?	☐	☒	☐	☐
(ii) a significant reduction in water supply, either on an annual or seasonal basis, to senior water right holders downstream of the diversion?	☐	☐	☐	☒
(iii) a significant reduction in the available aquatic habitat or riparian habitat for native species of plants and animals?	☐	☒	☐	☐
(iv) a significant change in seasonal water temperatures due to changes in the patterns of water flow in the stream?	☐	☐	☐	☒
(v) a substantial increase or threat from invasive, non-native plants and wildlife	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

The Gato Creek watershed is located on the southern slope of the Santa Ynez Mountains a few miles west of Goleta. Gato Creek extends from the ocean about six miles to the crest of the mountains at an elevation of 4,298 feet above mean sea level. The area of the drainage basin is about 2,300 acres, being narrower in the lower reaches and wider higher in the watershed. Gato Creek is perennial in the upper portion of the watershed above the existing diversion point. Below this point, the low volume summer flows percolate into the streambed. In the lowest reaches of the stream between U.S. Highway 101 crossing and the ocean, stream flows are maintained by subsurface flows.

Measured operational data for Gato Creek and the diversion has been recorded for over 15 years. Annual operating reports, filed with the State Water Board, include a summary of the diversion and irrigation use records.

A variety of hydrologic studies for the Gato Creek watershed have been prepared for the original diversion project and in support of the proposed project. These reports/studies are as follows:

The Gato Canyon Diversion Study prepared by John Alroth of the County of Santa Barbara Flood Control and Water Conservation District was included in Environmental Impact Report, 83-EIR-19. The study concluded that an average annual yield of 280 af would have been available for 39 years of record data.

A Letter Report (dated January 25, 1996) prepared by Penfield & Smith to the DFG provides monthly estimates for the Gato Creek flow (report submitted to State Water Board on 11/15/96).

Most recently, in March, 2011, Michael F. Hoover, conducted a detailed hydrologic evaluation (including development of a computer model) to determine the impact of the proposed project on Gato Creek and to evaluate the appropriateness of the permit parameters. In order to accomplish this task, Hoover determined: (1) the quantity of water that would be diverted from Gato Creek and an unnamed tributary located above Edwards reservoir under the “existing condition”; and (2) the amount of water that would be diverted from Gato Creek and the unnamed tributary under the proposed project or “full build out” condition; and then compared the two results. Hoover’s analysis and conclusions are described below.

Impact Discussion:

a, d.) The California Water Code authorizes State and Regional Water Boards to conditionally waive waste discharge requirements (WDRs) if it is in the public interest. Senate Bill 390, signed into Law on October 6, 1999, required the Regional Water Boards to review their existing waivers and to renew them or replace them with WDRs. To comply with SB 390, on July 9, 2004, the Central Coast Regional Water Quality Control Board adopted conditional waiver R3-2004-01172004 to control and assess the effects of discharges from irrigated agricultural lands. The conditional waiver requires farmers to develop farm water quality management plans that address, at a minimum, irrigation management, nutrient management, pesticide management and erosion control; implementing best management practices identified in their plans; monitoring to ensure

compliance with the waiver requirements; and completing 15 hours of farm water quality education.

The Ranch is under the jurisdiction of the Central Coast Regional Water Quality Control Board. The Applicant/Petitioner has successfully completed the Farm Water Quality Planning short courses that were offered by U.C. Cooperative Extension and the Natural Resources Conservation Service along with numerous program cooperators, and has been awarded a Certificate of Completion acknowledging completion of the required 15 hours certified education and Farm Plan including a cooperative monitoring program on the Applicant/Petitioner's property. Agricultural Waiver Number AW1448 has been issued to Ranch Manager Paul Van Leer, acknowledging Mr. Van Leer's completion of the course, development and management of the farming operations plan and compliance with the terms of the Conditional Waiver for Irrigated Agriculture.

No water quality standards have been violated and no waste discharges have occurred or are planned to occur as a result of the proposed project. The proposed project is not anticipated to degrade water quality. In addition to compliance with Agricultural Waiver AW1448, Applicant/Petitioner's agricultural operations are subject to the jurisdiction and regulatory authority of Santa Barbara County Agricultural Commissioner. The Applicant/Petitioner must apply for and obtain a Restricted Materials Permit annually for possession and use of pesticides/herbicides as a private applicator. The Permit lists each California restricted material that the grower intends to use. The Permit recognizes that the farmer will be applying pesticides/herbicides at a rate and method that is appropriate for the crop. On January 21, 2005, the County Agricultural Commissioner issued Permit No. 42-05-4201108 to the Applicant/Petitioner for possession and use of pesticides/herbicides as a private applicator. The Applicant/Petitioner will continue to apply for and obtain such permits annually.

b.) The seven existing non-jurisdictional water wells located on Applicant/Petitioner's Ranch are used as backup only when Applicant/Petitioner's surface water supplies are insufficient to meet all irrigation demands, such as in drought conditions. The project does not include any construction of new wells. Water service (one 2-inch meter and one 1-inch meter) from the public water purveyor Goleta Water District (GWD) is available to supplement the surface water supply. According to Ranch Manager Mr. Paul Van Leer, the GWD supply is preferred over the Gato Creek groundwater wells when supplemental irrigation water is needed.

The proposed place of use, specifically the undeveloped 104.5 acres of annual grassland, would be served first with water authorized to be appropriated pursuant to the requested Application and existing permits. Additionally, if required, the Applicant's/Petitioner's connection to the Goleta Water District service and/or groundwater resources may be used to supplement surface water appropriations. Given that the existing groundwater is not currently used for irrigation, an undetermined amount of groundwater up to the safe annual yield would be available to supplement the other existing supply sources. Limiting groundwater extractions to an amount less than the safe annual yield would prevent significant impacts to the groundwater resources in the Gato Canyon area. As such, any additional groundwater production over time will not substantially deplete groundwater supplies. The conjunctive use of groundwater and surface water supplies is encouraged by law. Water Code Section 1011.5 provides for credit for groundwater use in lieu of surface water.

The project would not interfere with ground water recharge. No impermeable surfaces or structures are proposed. As previously noted under Section 1, Geology and Soils, agricultural practices that are employed (e.g. contour planting, terracing, etc.) at the proposed designated place of use will augment water infiltration.

c.) Topographic features of the property show sheet flow drainage being directed southward with minor natural drainage patterns moving in different directions depending on existing gradients and slope. With the exception of terracing for the purpose of new orchard development, the proposed project would not alter the existing drainage patterns of the site, and specifically would not alter Gato Creek. No additional source of polluted run-off or substantial erosion or siltation on- or off-site is expected to occur as a result of the project.

As noted in Section 1, Geology and Soils, agricultural management practices employed for the existing orchards would also be used in the proposed designated place of use More specifically, terracing for orchard development allows for increased water infiltration and monitoring irrigation will ensure that water is applied in sufficient quantities without over-irrigating and creating the potential for flooding. No flooding is anticipated given the fact that existing practices will be employed for any proposed plantings.

The proposed project would not contribute runoff that would exceed the capacity of existing or planned stormwater discharge. No structural development or impervious paving is planned with the proposed project. The proposed project would result in a total of 322.5 acres of designated Place of Use for agricultural development. Approximately 218 acres of land included in the proposed POU already has been planted. Planted areas have improved water recharge capabilities given that the area is terraced and has the capability of a longer holding capacity for water to infiltrate.

The remaining 104.5 acres currently grazed for the benefit of 75 head of cattle could be converted to orchards. The 104.5 acres of grazing land is also considered a water recharge area given the absence of impervious surfaces; however, the holding capacity is minimal given the absence of terracing. Agricultural management practices ensure that pasture areas are rotated to avoid exposing bare soil and to allow these areas to regenerate pre-existing vegetation while livestock are grazing other pasture areas. Until this area is developed with orchards, runoff will continue to naturally flow down the hillside with minimal infiltration.

The conversion of approximately 218 acres of land to orchard and future development of 104.5 acres of annual grassland to orchard would likely have a beneficial impact, if any impact at all, on the hydrology and water quality of the project site.

The existing Creek Release currently dispenses 25 gallons per minute (gpm) of water back into Gato Creek, but does not result in flooding downstream, substantial erosion or siltation on-or off-site. Relocation of the Creek Release is not anticipated to cause flooding either.

e, h.) According to the Floodway Flood Boundary and Floodway Map, no floodway or cross sections are shown for Gato Canyon. According to the Flood Insurance Rate Map, "Zone A" is shown offshore. Areas of 100-year flood, base flood elevation and flood hazard factors have not been determined.

The project includes no residential or agricultural related structures. Future development permitted in the AG-II-100 zone district may require a Land Use Permit, Coastal Development Permit, or Development Plan (depending on the size, location, and type of development) from the County. The County Flood Control District would review development proposals during the processing of a Coastal Development Permit, Land Use Permit, or Development Plan.

f, i, j.) An annual report is submitted to the California Department of Water Resources, Division of Safety of Dams (DSOD) that includes water use records and a surveillance report in connection with Edwards Dam. The report summarizes ongoing conditions with reference to dam safety including, but not limited to, water surface level in the reservoir, subsurface flow under the dam, and seepage flow rate through the dam. The overall integrity of the dam is considered to be in good condition. Inundation by seiche, tsunami, or mudflow is not anticipated.

g.) With mitigation, the change in water volume and/or the pattern of seasonal flows downstream of the diversion would not introduce a significant cumulative reduction in the water supply downstream of the diversion.

There are no other diversions downstream of the project. According to the March, 2011 Hoover investigation, existing Permittee diversions by direct diversion and diversion to storage fluctuate between 3 and 634 acre-feet per year. The proposed project limits the total quantity of water to be appropriated each year under Application 30289, Permit 17360 (Application 24985) and Permit 17361 (Application 25165) to 704.3 acre-feet, the total quantity of water currently authorized under Permits 17630 and 17631. The Hoover investigation predicts that stream diversions from Gato Creek will increase from 186 acre-feet per year, on average (current conditions), to 198 acre-feet per year, on average (project or build-out condition), and concludes that the project would result in a decrease of flows of 11 percent relative to current conditions (784 acre-feet per year compared to 692 acre-feet per year). The Hoover investigation also found that under all conditions -- native, current, and full build-out conditions -- streamflow in Gato Creek drops to zero for at least 4 months a year in dry years.

To avoid a significant reduction in the available downstream aquatic habitat or riparian habitat for native species of plants and animals, DFG has requested, and Applicant/Petitioner has agreed to, certain conditions of Applicant/Petitioner's diversions and use. (See 1997 Agreement, discussed above). This Agreement also provides for the modification of the bypass design at the diversion weir to improve reliability of bypass flows. Additionally, DFG requested and Applicant/Petitioner agreed, to relocate the existing Creek Release from 34º 28.86' north latitude and 119º 58.88' west longitude to 34º 29.366' north latitude and 119º 58.683' west longitude as well as numerous measuring and reporting requirements. Recommended mitigation measures for relocating the creek release pipe are described in the "Bypass for Riparian Wildlife" term under the Biological Resources section of this document. The Hoover investigation concludes that Gato Creek low flows, streamflow less than 50 gpm, will be fully mitigated by the bypass condition – i.e., they will be unaffected since the bypass flows will remain in place.

Permit Terms Required

To prevent any threat of impacts to hydrology and water quality, any permit issued pursuant to Application 30289 or orders issued by the State Water Board amending Permits 17360 and 17361 shall include the following mitigating Permit terms, substantially as written:

- ***Stream or Lake Alteration Agreement term*** *(see Biological Resources section).*

- ***Other Agency Permits****. The Permittee shall obtain all necessary state and local agency permits required by other agencies prior to project-related construction. Copies of such permits and approvals shall be forwarded to the Deputy Director for Water Rights.*

- ***Construction Pollution Prevention****. No debris, soil, silt, cement that has not set, oil, or other such foreign substance will be allowed to enter into or be placed where it may be washed by rainfall runoff into the waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area.*

- ***Bypass for Riparian Wildlife*** *(see Biological Resources section)*

With implementation of the above mitigation measures, the project's impacts to hydrology and water quality in the area would be less than significant.

4. BIOLOGICAL RESOURCES. Would the project:

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the DFG or USFWS?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the DFG or USFWS?	☐	☒	☐	☐
c) Have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the federal Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, *etc.*) through direct removal, filling, hydrological interruption or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

The majority of the proposed place of use consists of existing orchards (218 acres), with the remaining area containing annual ruderal grassland dominated by non-native species of grass and weeds (104.5 acres). The 104.5 acres is currently grazed for the benefit of approximately 75 head of cattle and is included as part of this request as an area that could be converted to orchards. Gato Creek bisects the western half of the proposed place of use and Las Varas Creek flows along the eastern boundary. Both creeks are outside of the designated and proposed place of use areas.

Wildlife inhabiting or frequenting the site are typical of the Gaviota area and include coyote, deer, white tailed kite, turkey vulture, various birds, insects, deer, and occasional mountain lion and bear.

Jackie Worden from Bowland & Associates prepared a biological assessment (dated October 9, 2003) to survey the areas proposed for irrigation in the proposed place of use and to search for sensitive species or flora and fauna or sensitive habitats. Only the annual grasslands were surveyed, due to the low probability of special status species and/or habitats occurring within operating orchards. The study area was focused on three areas; one 82 acre site located west of Gato Creek, and two sites on the east side of Gato Creek. Of the latter, one site is about 44 acres and the second is a small triangular area estimated to be less than one acre in size. This report refers to the western and eastern portions of the study area, with Gato Creek roughly dividing the two areas (Bowland Biological Assessment).

As part of the biological assessment, Ms. Worden also conducted a literature search to determine the potential presence of previously identified special status species of flora and fauna and sensitive habitats reported as occurring in the project vicinity. The California Natural Diversity Data Base (CNDDB) computer database was searched for the Dos Pueblos Canyon USGS quadrangle. Field surveys were conducted on May 28 and August 21, 2003 by Jacqueline Bowland Worden and Trish Munro of Bowland & Associates. Transects of opportunity were used to obtain thorough visual coverage of the study area. Particular emphasis was placed on searching for special-status species, which entailed focused survey of habitats suitable for these species to search for evidence of use (tracks, scat, burrows, nests, vocalizations, prey species, direct observation, etc).

A follow-up search of the CNDDB computer database for the Dos Pueblos Canyon quadrangle was conducted by Cardno ENTRIX on September 8, 2010. Although the search did not reveal any new species not previously known from the 2003 CNDDB, several special status plant species are known from similar habitat in the project vicinity. Cardno ENTRIX recommended spring surveys for a number of plant species identified as possibly occurring in the project area. Cardno ENTRIX conducted the recommended surveys on April 27 and May 26, 2011. The entire area was visually surveyed by walking meandering transects over the area and none of the special status plant species surveyed were found during the appropriately-timed surveys. (See table below.)

Cardno ENTRIX also reviewed a number of other studies conducted for special status species on the property. The studies revealed the presence of the California red-legged frog in Gato Creek and the vernal pool fairy shrimp near the railroad. These species locations are outside the proposed water use areas. Protocol level surveys for the tidewater goby conducted in Gato Creek in 2009 and 2010 found none present.

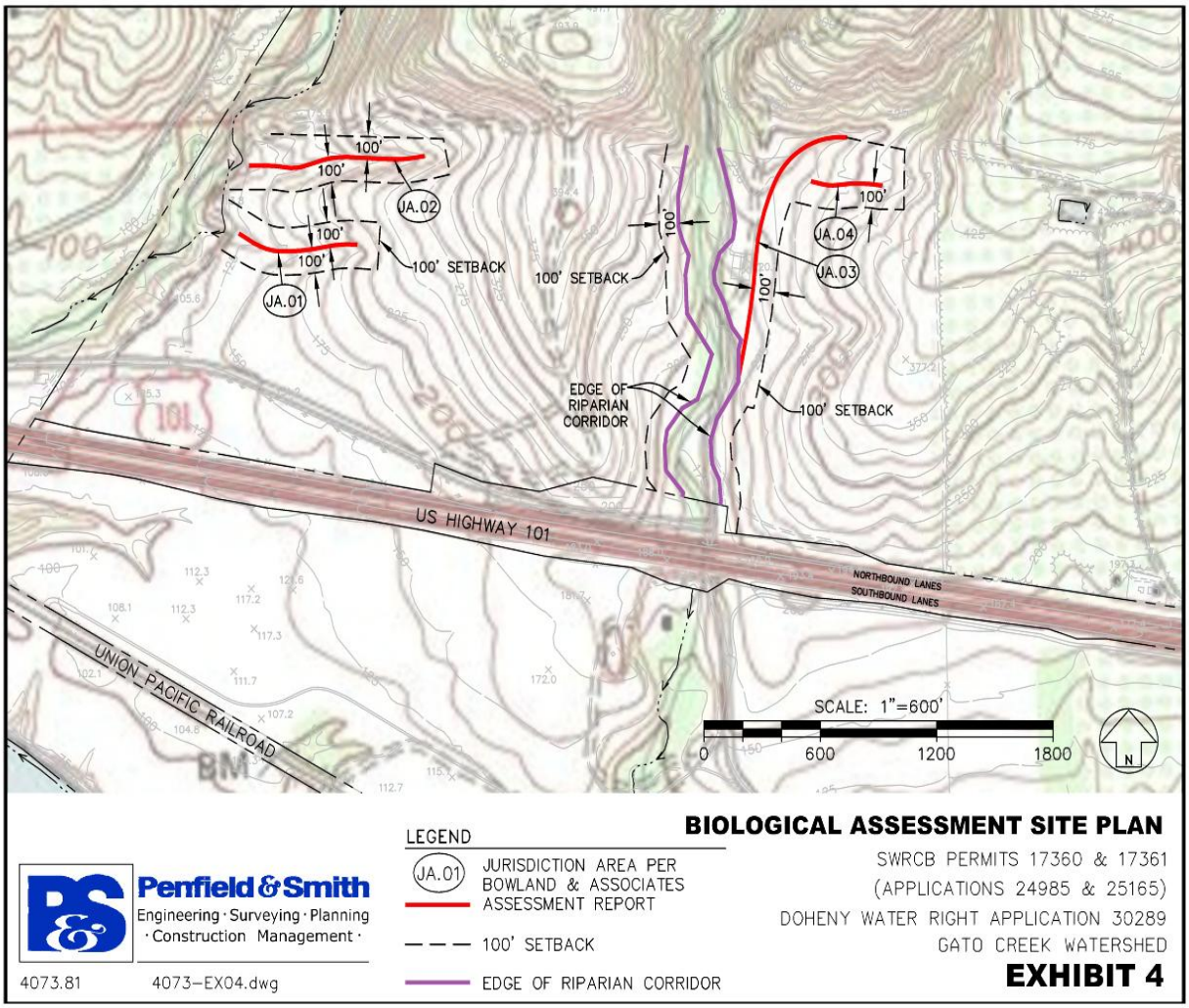
Per the Bowland Biological Assessment, four (4) areas containing waters potentially subject to the jurisdiction of the U.S. Army Corps of Engineers and the DFG were found in the study area (see Exhibit 4, below). They include (see also Exhibit 3, Biological Assessment Site Plan):

Jurisdictional Area #1. This unnamed ephemeral drainage is located north of Highway 101 in the western third of the western portion of the study area. A portion of the drainage contains a seasonal wetland that contained water to the surface during both the May and August field surveys. The wetland area is dominated by cattail (*Typha* sp.) and other plants indicative of saturated soil conditions, such as rabbit's foot grass (*Polypogon monspeliensis*), poison hemlock (*Conium maculatum*), and bristly ox tongue (*Picris echioides*). The drainage has well-defined channels and banks, with evidence of periodic flows. Standing water was present in cattle hoof prints, and one small pool was present during the May survey. Insects and insect larvae were found in the water, but no tadpoles or other evidence of amphibians was found.

Jurisdictional Area #2. This unnamed ephemeral drainage is located in the western third of the western portion of the study area, adjacent to the northern boundary of the area. Little to no vegetation was present in the well-defined channel or on the banks, and no wetland or riparian vegetation was present. Oak woodland occupies the surrounding upland with coastal sage scrub species forming the understory. Dominant species include coast live oak (*Quercus agrifolia*), hummingbird sage (*Salvia spathacea*), California sagebrush, coyote bush, purple sage (*Salvia leucophylla*), wild rye (*Leymus condensatus*), and poison oak. No water was present during either survey.

Jurisdictional Area #3. This unnamed ephemeral drainage generally parallels the alignment of Gato Creek, running along the toe of the west-facing slopes in the eastern portion of the study area, east of the north/south access road and immediately east of the corral. It has a well-defined channel and incised banks throughout most of the segment that lies within the eastern study area, while upstream (northeast) of the study area boundary the channel and banks are poorly defined. Vegetation in the channel is sparse to non-existent, with little vegetation on the bank, composed of grasses (primarily Harding grass). The only riparian vegetation present is one willow (*Salix lasiolepis*). No wetland vegetation or other wetland characteristics were found. Water was not present during either survey.

Jurisdictional Area #4. This area appears to be an unnamed ephemeral drainage with a wetland in one segment. It runs generally to the west, joining Jurisdictional Area #3 (described above) near the extreme northwest corner of the study area on the east half of the site (east of Gato Creek). The drainage has a well-defined channel and banks with extensive slumping, mass wasting and erosion. The wetland area supports hydric plants including cattails, bristly ox tongue, celery and rabbit foot grass. A large patch of thistles is present along one margin of the wetland, comprising bull thistle (*Cirsium vulgare*) and milk thistle (*Silybum marianum*). The most common species found in the remainder of the drainage are those dominant in the surrounding upland, including Harding grass, Italian rye (*Lolium multiflorum*), sweet fennel (*Foeniculum vulgare*), and sparse coyote bush. Standing water was present in portions of the wetland area during both the May and August field surveys; no water was present in the remainder of the drainage during either survey.



Impact Discussion:

a, e.) **Flora:** The 2003 CNDDB search identified four plant species of concern as occurring in the vicinity; two of those could occur in grasslands: southern tarplant (*Centromadia parryi ssp. australis*; California Native Plant Society (CNPS) List 1B) and Contra Costa goldfields (*Lasthenia conjugens*; federal endangered, CNPS List 1B). Both are annual plants in the sunflower family (*Asteraceae*). Neither of these species was encountered during the May field survey. The other species are black-flowered figwort (*Scrophularia atrata*; CNPS List 1B, federal species of concern) and Santa Barbara morning glory (*Calystegia sepium* ssp. *binghamiae*; CNPS List 1A). The black-flowered figwort is found in coastal sage scrub, and suitable habitat is present on-site. The common figwort (*Scrophularia californica*) was found in pockets of coastal sage scrub; but no black-flowered figwort was found. Santa Barbara morning glory occurs in coastal marshes; no suitable habitat is present within the study area. This subspecies of morning glory is considered extinct.

The 2010 CNDDB search conducted by Cardno ENTRIX did not reveal any new species that had not been considered in the previous search. Additionally, Cardo ENTRIX conducted appropriately-timed surveys to confirm that none of the special-status species identified as possibly occurring the in the project area were found, as summarized in the table below.

Scientific Name/ Common Name	Status Fed/State/CNPS	Habitat	Months Species is Detectable	Present
Aphanisma blitoides/ Aphanisma	-/-/1B	Sandy, coastal bluff scrub, coastal dunes, and coastal scrub	March – June	No
Atriplex coulteri/ Coulter's saltbush	-/-/1B	Alkaline or clay areas in coastal bluff scrub, coastal dunes, coastal scrub, and valley and foothill grassland	March - October	No
Atriplex serenana var. *davidsonii*/ Davidson's saltscale	-/-/1B	Alkaline areas in coastal bluff scrub and coastal scrub	April - October	No
Calochortus weedii var. *vestus*/ late-flowered mariposa lily	-/-/1B	Often serpentine areas in chaparral, cismontane woodland, and riparian woodland	June - August	No
Deinandra increscens ssp. *villosa*/ Gaviota tarplant	E/E/1B	Coastal bluff scrub, coastal scrub, and valley and foothill grassland	May - October	No
Horkelia cuneata ssp. *puberula* / Mesa horkelia	-/-/1B	Sandy or gravelly areas in maritime chaparral , cismontane woodland, and coastal scrub	February – September	No
Lonicera subspicata var. *subspicata*/ Santa Barbara honeysuckle	-/-/1B	Chaparral, cismontane woodland, and coastal scrub	All Year (blooms May – February)	No
Scrophularia atrata/ Black-flowered figwort	-/-/1B	Closed-cone coniferous forest, chaparral, coastal dunes, coastal scrub, riparian scrub	March – July	No
Senecio aphanactis/ chaparral ragwort	-/-/2	Sometimes alkaline areas in chaparral, cismontane woodland, and coastal scrub	January - April	No

Source CNDDB 2010

Federal Status (determined by U.S. Fish and Wildlife Service)

E = Endangered. In danger of extinction throughout all or a significant portion of its range

State Status (determined by Department of Fish and Game):

E = Endangered

California Native Plant Society (CNPS) List:

1B = Plants considered rare or endangered in California and elsewhere

2 = Plants considered rare, threatened, or endangered in California, but more common elsewhere

Purple needlegrass (*Nassella pulchra*) was found in very small, widely scattered areas (far less than ¼ acre) comprising low relative density (one to five percent). Pursuant to the County of Santa Barbara's Threshold of Significance, removal or severe disturbance of a patch or patches of native grasses less than ¼ acre, which is/are clearly isolated and not a part of a significant native grassland or an integral component of a larger ecosystem, is considered to be environmentally insignificant. The bunchgrass found on-site meets the County's definition of being clearly isolated and not part of a larger ecosystem by virtue of

their highly scattered locations in relation to each other, and the very small area extent of bunchgrass at each separate location.

Fauna: California horned lizard (*Phrynosoma coronatum frontale*): Suitable habitat is present for California horned lizards, which includes loose, sandy soils and the presence of native ants. No horned lizards were found during 2003 field surveys conducted specifically searching for special status species. The California horned lizard is listed as a California Species of Concern by the DFG and a federal Species of Concern.

White-tailed kite (*Elanus leucurus*): Two white-tailed kites were sighted just outside of the study area during the both the May and August 2003 surveys. Nesting white-tailed kites are listed as Fully Protected by DFG, are federal Species of Concern, and are also protected under federal migratory non-game bird law. Pursuant to Santa Barbara County Local Coastal Plan (LCP) Policies 9-26 and 9-28, there shall be no development, including agricultural development (i.e., structures, roads), within the area used for white-tailed kite roosting and nesting. Any development around the nesting and roosting area shall be set back sufficiently far as to minimize impacts on the habitat area.

The kites were seen flying over and landing in the oak woodland along Las Llagas Creek and also in Gato Creek, both of which are immediately adjacent to but outside the change of place of use areas. In November and December 2009, Paul Collins conducted six late afternoon-early evening surveys for raptors on the property. All known potential habitat was surveyed using driving and fixed-point observations. No white-tailed kites were seen on the property during these surveys, and per Collins, there are no known records of white-tailed kites nesting on the site. Kites are likely to forage over the grassland found on-site, but no suitable nesting habitat is present in the study area, or in the vicinity, and these areas will not be modified in association with the proposed project.

Monarch Butterfly (*Danus plexippus*): The CNDDB identified winter accumulations of monarch butterflies as occurring on this quadrangle. Winter accumulations of monarch butterflies are considered sensitive by the State of California and the County of Santa Barbara. The County's LCP contains policies for the protection of butterfly tree habitats. Such gatherings usually occur in groves of eucalyptus (*Eucalyptus sp.*) or cypress (*Cupressus sp.*) trees near surface water, with the highest numbers typically present in January through February. Dan Meade has identified two known sites on the property, including an autumnal site (Site #53 in Meade, 1999) and a permanent, overwintering site (Site #54 in Meade, 1999). Both sites are located south of Highway 101, between the railroad and the highway. Site #53 is located outside of the proposed area of use. Site #54 is located within a large eucalyptus grove that bisects an existing orchard within the proposed area of use. There will not be a physical change of use in the areas adjacent to the eucalyptus groves; these areas are existing orchards that are already being irrigated.

California Red-Legged Frog: The primary constituent elements of critical habitat of the California red-legged frog include essential aquatic habitat, associated uplands, and essential dispersal habitat connecting essential aquatic habitat. Aquatic habitat for the California red-legged frog includes fresh water bodies, including natural and artificial ponds, and backwaters with streams, marshes, lagoons, and dune ponds. Uplands and riparian areas associated with aquatic habitats provide food and shelter sites for California red-legged frogs and assist in maintaining the integrity of aquatic sites by supporting their functions and protecting them from disturbance. Because of the proximity of known occupied California red-legged frog habitat, the presence of suitable habitat for the species

in the project area, and what is known about the ability of California red-legged frogs to traverse long distances, it is possible that California red-legged frogs may occur in the project area.

California red-legged frogs are habitat specialists that require dense shrubby or emergent riparian vegetation, willow boughs, or tree root masses that overhang and contact still or slow-moving water. Juvenile frogs appear to favor open, shallow aquatic habitats with dense submergents and overhanging banks or stick masses (Hunt, pers. obs.) (Hayes and Jennings, 1988; Jennings and Hayes, 1994; Hunt, pers. obs.). Water depth may be quite shallow, but there must be deep pools (> 2 feet) nearby (Hayes and Jennings, 1988). This species can occur in ephemeral or permanent water sources. Juvenile frogs appear to favor more open, warmer, shallower aquatic habitats than adults. Although this species can occur in ephemeral, intermittent, and permanent streams or ponds, populations cannot be maintained in ephemeral streams.

Adult red-legged frogs are highly nocturnal and wary, while juveniles are much less wary and tend to be more active during the day (Storer, 1925; Hunt, pers. obs.). Adult draytonii are known to make long-distance seasonal movements within their local aquatic and terrestrial habitats. Adult frogs move seasonally between the oviposition site and the foraging habitat occupied in spring and summer (Jennings and Hayes, 1994), and other observations indicate that adults move into small mammal burrows or beneath dense leaf litter in riparian thickets well above the stream channel or other aquatic sites in late autumn through early winter until breeding season begins in January and February (Rathbun et al., 1993; Bulger et al., 2002). Juveniles are frequently found in ephemeral drainages and may represent individuals dispersing from a nearby, more permanent water source (Hunt, pers. comm.). Post-metamorphic frogs often disperse radially from their natal sites and there is convincing empirical evidence that post-metamorphic dispersal contributes significantly more to regional metapopulation persistence than does adult dispersal (Sinsch, 1997).

Adult red-legged frogs are capable of impressive overland movements of up to two miles and appear to have a highly developed sense of direction in locating burrows, breeding pools, and other refugia (Hunt, pers. observ.; Bulger et al., 2002). Radio-tracked frogs have been found to move overland in approximately straight lines to target aquatic sites without apparent regard to vegetation type or topography. Riparian corridors were neither essential nor preferred as migration routes and adult frogs were capable of moving 500-1,650 feet in a single night (Bulger et al., 2002).

Data presented by Bulger et al. (2002) indicate that up to 25% of the adult population they studied moved overland between water sources, some as much as 1,650 feet away. Adult frogs that did not move away from aquatic sites remained within 430 feet (usually within 200 feet) of water at all times. These non-migrating frogs showed no proclivity to wander far from aquatic habitats even during the early winter when they spent continuous intervals of up to two months on land in rodent burrows or beneath cover objects. Bulger et al. (2002) concluded that a well-distributed array of dense patches of shrubs and herbaceous vegetation should be conserved to a distance of at least 430 feet from occupied aquatic habitat, and that the potential for detrimental impacts to red-legged frog populations is highest during the early winter months when frogs are on land away from the aquatic sites.

The Ranch includes habitat suitable for California red-legged frogs, namely lowlands and foothills in or near deep water with dense, shrubbery and emergent riparian vegetation. Water bodies adjacent to the proposed designated POU include Gato Creek, Llagas Creek

to the west and the Pacific Ocean to the south. Pursuant to the Biological Resources Existing Conditions prepared by Bowland & Associates, (dated May 1996) and included in Appendix C, California red-legged frogs were not present. As previously noted, a 100 foot setback from the riparian corridors of Gato Creek and Llagas Creek has been designated on project plans as mitigation. The project conditions prohibit disturbance within this 100-foot setback. Despite the fact that red-legged frogs are physically capable of moving beyond this 100-foot mitigation area, there is no target aquatic habitat located closer than 2,000 feet to either Gato Creek or Las Llagas Creek. In the absence of a suitable target habitat to lure red-legged frogs, the 100-foot mitigation area is an adequate measure. There is no evidence in any published study that indicates a potential that California red-legged frogs would be attracted to the Pacific Ocean. It lacks habitat that they require for foraging, shelter, and reproduction and, is not a fresh water body.

In 2009, Paul Collins conducted non-breeding season protocol-level surveys at five specific wetlands located downstream of Highway 101. No California red-legged frogs were found during these surveys. Collins concluded that California red-legged frogs are not expected to use Las Varas Creek for breeding due to the lack of deeper, more protected pools, but Gato Creek was characterized as ideal habitat. Las Llagas Creek was not surveyed.

All proposed POU is located at least 100 feet outside Gato Creek's riparian corridor and the four jurisdictional waters identified in the Bowland Biological Assessment and described above. California red-legged frogs require habitat consisting of both aquatic and riparian components, specifically shrubby or emergent vegetation or similar refuge closely associated with deep-water pools with fringes of cattails or dense stands of overhanging vegetation such as willows. Given the undesirable habitat included in the proposed POU, encountering California red-legged frogs is unlikely. Short-term agricultural activities (i.e. noise and increased human presence) within the proposed POU would likely discourage the California red-legged frog from dispersing into the POU. The project has no potential for significant impact upon the California red-legged frog and its dispersal habitats from proposed designated POU.

With reference to the Creek Release, to ensure that California red-legged frogs are not impacted by the relocation of the Creek Release, a mitigation measure has been added, requiring that at the time the release point is relocated, an approved biologist will survey the old and new release points for the presence of California red-legged frogs prior to commencement of the relocation activity and, if necessary, will relocate frogs into more suitable habitat and away from construction activities. With this condition, the project has no potential for significant impact upon the California red-legged frog.

Two-Striped Garter Snake: The two-striped garter snake (*Thamnophis hammondii*) is one of the most common snakes in Southern California. Two-striped garter snakes are most frequently found near water, inhabiting streams, ponds, and lakes throughout their range. All proposed POU is located at least 100 feet outside Gato Creek's riparian corridor and the four jurisdictional waters described above. Given the undesirable habitat included in the proposed POU, encountering two-stripped garter snakes is not anticipated because this species is highly aquatic.

Southwestern Pond Turtle: The southwestern pond turtle (*C. m. pallida*) is an aquatic species. The pond turtle habitat includes valley locations with slow-moving waterways and accessible upland habitat and basking sites. They prefer habitat with large areas for cover (logs, algae, vegetation) and have been observed to avoid areas of open water lacking

these habitat features. In the warmer months, the pond turtle will bask on rocks near slow-moving streams. Southwestern pond turtles overwinter in both aquatic and terrestrial habitats. Terrestrial overwintering habitat consists of burrows in leaf litter or soil. The presence of a duff layer seems to be a general characteristic of overwintering habitat. Potential impacts to southwestern pond turtles could occur if nesting areas (grasslands adjacent to suitable aquatic habitat) are impacted by ground disturbing activities. Nesting has been reported to occur up to 1,300 feet from water but is usually much closer, averaging approximately 95 feet from aquatic habitat. Nest predation rates are high and complete failure of nests is common. Hatchlings and juveniles are preyed upon by a variety of vertebrate predators including bullfrogs, garter snakes, wading birds and some mammals. Despite the fact that southwestern pond turtles are physically capable of moving beyond the 100-foot mitigation area, there is no target aquatic habitat located closer than 2,000 feet of either Gato Creek or Las Llagas Creek. In the absence of a suitable target habitat to lure southwestern pond turtle, the 100-foot mitigation area is an appropriate measure.

Steelhead: Steelhead are anadromous trout, which, like salmon, spend most of their adult life in the ocean, returning to rivers to spawn. Juvenile steelhead remain in fresh water usually one-three years and then spend two-three years in the ocean. Because of frequent drought in Southern California, streams may be inaccessible during some years so that adult steelhead are forced to spend additional years in the ocean before having a chance to spawn. However, during wet years a high percentage of the southern steelhead returning to spawn have spent only one year in the ocean, indicating that a bet-hedging strategy of attempting to spawn every year is adaptive in this unpredictable environment.

Major streams in Southern California originate in the coastal mountains and often cross broad alluvial areas before flowing into the ocean. These low-elevation alluvial flats present inhospitably warm and fluctuating temperatures and the streams themselves may be intermittent. The higher-elevation headwaters, therefore, are the primary spawning and rearing areas for steelhead today.

On September 13, 2002, Thomas R. Haglund from San Marino Environmental Associates conducted a site visit of Gato Creek. By letter to Jennifer Trunk, Penfield & Smith dated October 23, 2002, Dr. Haglund reported the results of his site visit, specifically that: 1) the culvert structure at U.S. Highway 101 will present a problem for an upstream migration and although it may not pose a complete barrier, it would provide a serious impediment to upstream movement; 2) the lower portion of Gato Creek (downstream of the diversion) lacks suitable reproductive areas, and suitable holding or rearing habitat; and, 3) immediately upstream of the diversion there is a blockage of the channel by large boulders, which creates a serious obstacle to upstream movement of steelhead.

There are three man-made impediments that obstruct the migration of steelhead, specifically, the 12 foot by 12 foot box culvert beneath U.S. Highway 101, the arch culvert beneath Union Pacific Railroad (UPRR) tracks, and an “Arizona” crossing located between these two culverts. The U.S. Highway 101 and UPRR culverts are under the jurisdiction of Caltrans and UPRR. The “Arizona“ crossing is not proposed to be removed or modified as part of the project.

Natural impediments, specifically, the boulders upstream of the diversion structure, also impede migration to potential suitable holding and rearing habitat. To remove this barrier

would introduce significant impacts to the natural drainage course and surrounding vegetation given the boulders' size and natural position at rest in the soil.

Rainfall fluctuates dramatically year-to-year in Santa Barbara County. The diversion structure at Gato Creek is capable of diverting a maximum of 4.14 cfs. Water not diverted and appropriated by Applicant/Petitioner bypasses Edwards Reservoir by either bypassing the diversion altogether and continuing to flow downstream within Gato Creek or via the Creek Release. Even with these two bypasses or if no water is being diverted, the lower reach of Gato Creek can be dry, likely due to the stream migrating to below grade which results in little or no suitable holding or rearing habitat.

By letter to the State Water Board, Division of Water Rights, dated February 28, 2003, a copy of which is included in the appendix, the NMFS concluded that "given the information currently available, [NMFS] does not believe that the increased diversion rate and extended diversion schedule for Gatos Creek would have negative effects on steelhead". Separately, DFG biologist Maurice Cardenas stated that he observed no steelhead in surveys that he has conducted upstream and downstream of the diversion. [NMFS] biologist, Matt McGoogan, observed no steelhead during site visits performed on May 30 and August 2, 2002. The reach of stream below the diversion does not appear that it would, in most years, be well suited to support steelhead and there are several natural and unnatural impediments to upstream migration of this species. Accordingly, the proposed Application and Petitions should not result in unauthorized take of steelhead and should not result in any potentially significant impacts to steelhead.

The March, 2011 Hoover investigation concluded that low flows, streamflows less than 50 gpm, would be unaffected by the project since bypass are already in place under all scenarios. Hoover further concluded that extended periods (at least 4 months) of zero streamflows already exist under current and proposed project conditions, further indicating that existing conditions are not suitable for steelhead.

Although the proposed project is not anticipated to result in take of steelhead at this time, the Applicant/Petitioner is not exempt from application of the Endangered Species Act requirements. If steelhead later were to be present upstream or downstream of the reservoir, the Applicant/Petitioner would be subject to liability for take of steelhead unless covered by an Endangered Species Act Section 7 (Federal Interagency Consultation) incidental take permit or Section 10 (Habitat Conservation Plan) incidental take statement.

Vernal Pool Fairy Shrimp: Vernal pool fairy shrimp are widely distributed in grassland vernal pools throughout the Central Valley of California, with a number of disjunct populations elsewhere in California. Adults of this species lay eggs that can lie dormant in the soil of an ephemeral pool for many years. Per research conducted by Paul Collins, vernal pool fairy shrimp were found in man-made depressions along the north side of the railroad track in April or May 2001 during construction of a Level (3) fiber-optic cable. In February 2009 Paul Collins conducted a site visit to asses these previously-documented railroad ponds and other ephemeral wetlands located on the south side of the property. Collins found three vernal pools containing fairy shrimp, all located within the railroad right-of-way. He concluded that this occurrence is from an accidental transport, perhaps during the fiber-optic construction project, as fairy shrimp do not appear to be present in any other

ephemeral wetlands on the property. The proposed POU does not include areas of the railroad right-of-way where the fairy shrimp were found.

Tidewater Goby: The tidewater goby, a small benthic fish, is known from several locations along the Gaviota Coast, including Refugio, Eagle and Tecolote Creeks. Protocol surveys were conducted for Gato Creek by Science Application International Corporation (SAIC) in October 2009 and Cardno ENTRIX in November 2010. No tidewater goby were found.

b, e.) The Local Coastal Plan for Santa Barbara County provides policy guidelines for the protection of coastal resources and the regulation of development in the coastal zone. Coastal Act Policy 30231 states that the biological productivity and the quality of coastal waters, stream, wetlands, estuaries, and lakes, appropriate to maintain optimum populations of marine organisms and for the protection of human health, shall be maintained and where feasible restored through among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies, and encouraging wastewater reclamation, maintaining natural vegetation buffer areas to protect riparian habitats, and minimizing alteration of natural streams.

Local Coastal Plan Policy 9-37 requires a minimum 100-foot development setback from major streams in the rural areas.

Gato Creek bisects the western half of the proposed place of use and Las Varas Creek flows along the eastern boundary. Both creeks are outside of the areas proposed for irrigation. Future agricultural development would be located 100-feet outside of the riparian corridors (as established by the edge of riparian vegetation) of both creeks. No earth disturbance in the designated riparian corridor of these two creeks is permitted; impacts to biological resources within the riparian corridor have been avoided.

Upon approval of Application 30289, the Petition for change in the place of use under Permit 17360 and the extensions of time for Permits 17360 and 17361, the Creek Release will be relocated to a point upstream of the existing Creek Release to maximize benefits to stream habitat. The Creek Release pipeline will be placed above ground within the riparian corridor; no trenching is proposed. The purpose of the Creek Release is to enrich the riparian corridor and provide a water source for migrating wildlife during low flow events. The function of the bypass was not to provide sufficient flow for steelhead but rather to reintroduce (and supplement) the stream flow below the reservoir. By moving the release point upstream, a greater length of creek will benefit from discharge of the bypass flow.

For the protection of habitat for the California red-legged frog (*Rana aurora draytonii*), and other sensitive species occurring at or near the reservoir site, a 100-foot buffer shall remain undisturbed, except at the dam spillway and the existing unimproved access roads. A qualified biologist, with all required collection permits, shall survey for California red-legged frog in the work area prior to project activities. If any California red-legged frogs are found in the path of discharge pipeline placement, the biologist shall relocate the species to a pre-determined, downstream, safe location.

By establishing the 100 foot setbacks on riparian corridors and prohibiting disturbance to and within these 100-foot setback areas, potential impacts to Llagas Creek and Gato Creek and their associated riparian corridors have been avoided. The relocated Creek

Release will provide for improved beneficial use Impacts to the riparian corridor and are anticipated to have no significant adverse environmental impact.

c.) Jurisdictional waters are defined herein as those areas potentially subject to the regulatory authority of DFG under section 1600 of the California Fish and Game Code and the ACOE under section 404 of the Clean Water Act. Two areas containing potentially jurisdictional waters were found in the western half of the study area (west of Gato Creek), and two were found in the eastern half.

Santa Barbara County Local Coastal Plan Policy 9-9 requires a minimum 100-foot setback to be maintained in a natural condition along the periphery of a wetland. Aquatic elements of critical habitat within the project site are not proposed to be disturbed. Per the biological investigation, a 100-foot buffer along the perimeter of the four jurisdictional wetlands and a 100-foot buffer from the edge of the riparian corridor/top-of-bank for Gato Creek, would protect these areas. As previously noted, the Applicant/Petitioner is in compliance with the terms of the Central Coast Regional Water Quality Control Board's Conditional Waiver for Irrigated Agriculture that employs best management practices to prevent erosion, sedimentation, and/or the migration of chemicals from adversely impacting these waters.

d.) Of particular concern for this project was whether or not the proposed change of authorized place of use would result in a potentially significant adverse impact to anadromous fishery resources.

As described above, the NMFS, DFG and Dr. Haglund agree that steelhead are not present in Gato Creek upstream or downstream of the point of diversion and that Gato Creek does not provide suitable spawning or migration habitat for steelhead. As such, the proposed project should not result in unauthorized takes of steelhead or significantly impact steelhead migration.

Additionally, DFG has requested, and Applicant/Petitioner has agreed, to relocate the existing Creek Release from 34º 28.86' north latitude and 119º 58.88' west longitude to 34º 29.366' north latitude and 119º 58.683' west longitude, as well as numerous measuring and reporting requirements. The relocated Creek Release will be beneficial to a greater length of the riparian corridor.

The Applicant/Petitioner is not proposing any alteration to the Gato Creek bed, riparian vegetation, and associated creek banks.

e.) The County of Santa Barbara has adopted two oak tree protection ordinances, one applicable within the Coastal Zone and one applicable to inland agricultural areas. Should Applicant/Petitioner need to remove oak trees to plant orchards or other crops within the proposed place of use, the Applicant/Petitioner is permitted to remove a specific number of oak trees without obtaining a permit as noted per County Code Chapter 35, Article IX, Section 35-901 through Section 35-906. Otherwise, tree removal would be subject to regulation (and, in the case of the Coastal Zone, permitting) by the County of Santa Barbara under the applicable ordinance.

In comparison to the entire parcel, the majority of oak trees are located outside the place of use. Protected oak trees located within the areas proposed for future agricultural development are sited adjacent to Gato Creek. Pursuant to Coastal Act Policy 9-37, the

required 100-foot setback from Gato Creek would protect these trees. No oak trees are proposed to be removed for this project.

f.) Coastal Act policies would require the Applicant/Petitioner to incorporate protective measures in order to avoid and/or reduce environmental impacts to a less than significant level. With incorporation of the mitigation measure discussed below, the proposed project would not be in conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Permit Terms Required

To prevent any threat of impacts to biological resources, to the extent provided below, any permit issued pursuant to Application 30289 or orders issued pursuant to Permit 17360 (Application 24985) or Permit 17361 (Application 25165), shall include the following mitigating permit terms, substantially as written:

Application 30289:

- ***Quantity, Direct Diversion-Multiple Seasons***. *The water appropriated shall be limited to the quantity which can be beneficially used for irrigation purposes, and shall not exceed **4.04 cubic feet per second** by direct diversion from **October 1** to **December 31** of each year; **4.14 cubic feet per second** by direct diversion from **January 1** to **March 31** of each year, and **4.04 cubic feet per second** by direct diversion from **April 1** to **May 31** of each year. The maximum amount diverted under this permit for all uses shall not exceed **672** acre-feet per annum.*

- ***Limitation on Combined Right***. *The total quantity of water diverted under this permit, together with that diverted under Permit 17360 (Application 24985) and Permit 17361 (Application 25165) shall not exceed 704.3 acre-feet per annum.*

- ***Stream Alteration Agreement.*** *No work shall commence pursuant to this permit and no additional water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the Department of Fish and Game and the Permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the Permittee. If a stream or lake agreement is not necessary for this permitted project, the Permittee shall provide the Division of Water Rights a copy of a waiver signed by the Department of Fish and Game.*

Permit 17360 (Application 24985):

- ***Measuring Devices***. *Permittee shall install and maintain devices satisfactory to the State Water Board to measure the rate and quantity of water diverted into the reservoir from Gato Canyon, and water released from or flowing out of the reservoir.*

- ***Reservoir Capacity***. *The capacity of the reservoir covered under this permit shall not exceed 644 acre-feet.*

- ***No Offseason Storage****. This Permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.*

- ***Limitation on Combined Right****. The total quantity of water diverted under this permit, together with that diverted under the permit issued pursuant to Application 30289 and Permit 17361 (Application 25165) shall not exceed 704.3 acre-feet per annum.*

- ***Stream Alteration Agreement.*** *No new work shall commence and no additional water beyond the quantity diverted on or before December 31, 1995 shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the Department of Fish and Game and the Permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the Permittee. If a stream or lake agreement is not necessary for this permitted project, the Permittee shall provide the Division of Water Rights a copy of a waiver signed by the Department of Fish and Game.*

Permit 17361 (Application 25165):

- ***Limitation on Combined Right****. The total quantity of water diverted under this permit, together with that diverted under the permit issued pursuant to Application 30289 and Permit 17360 (Application 24985) shall not exceed 704.3 acre-feet per annum.*

- ***Stream Alteration Agreement.*** *No new work shall commence and no additional water beyond the quantity diverted on or before December 31, 1995 shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the Department of Fish and Game and the Permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the Permittee. If a stream or lake agreement is not necessary for this permitted project, the Permittee shall provide the Division of Water Rights a copy of a waiver signed by the Department of Fish and Game.*

Application 30289 and Permit 17360 (Application 24985):

- ***Rate of Diversion to Offstream Storage****. The maximum rate of diversion to offstream storage shall not exceed* ***4.14 cubic feet per second****.*

Application 30289 and Permit 17361 (Application 25165):

- **Measurment of Diversion Rate**. Permittee shall install and maintain devices satisfactory to the State Water Board to measure the instantaneous rate of diversion and cumulative quantity of water diverted under this permit. A record of such measurements shall be maintained by the Permittee for ten years from the date of collection, and made available to interested parties upon reasonable request.

Application 30289, Permit 17360 (Application 24985) and Permit 17361 (Application 25165)

- ***Complete Construction and Use****. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2027.*

- ***Endangered Species****. This permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531-1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the proposed project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the proposed project authorized under this permit.*

- ***Access to Project****. Permittee shall allow representatives of the Division, and other parties as may be authorized from time to time by the Division, reasonable access to project works to determine compliance with this permit.*

- ***Sensitive Species Protection During Construction****. Permittee shall take the following actions to ensure that relocation of the Creek Release shall not harm California red-legged frog (Rana aurora draytonii), and any other sensitive species present at or near the existing and new Creek Release sites:*

  a) Hire a qualified biologist, acceptable to the Department of Fish and Game, Division of Water Rights and the U.S. Fish and Wildlife Service, to:

     i) Conduct a pre-construction biological survey of the designated Creek Release site and surrounding environs to determine if sensitive species and/or their habitats may be present; and,

     ii) Conduct a training session for construction field crews to inform them of the possible presence of sensitive species, their appearance and explain actions to be taken if they are encountered during construction of the reservoir.

  b) Stop all project-related construction activities if sensitive species are encountered and refrain from resuming construction activities until the biologist hired under part a) above declares that individual species encountered have either safely left the work area or have been safely removed and relocated by a qualified collection biologist duly certified by the Department of Fish and Game and the U.S. Fish and Wildlife Service.

- ***Protection of Sensitive Species Habitat.*** *For the protection of habitat for the California red-legged frog (Rana aurora draytonii), and other sensitive species occurring at or near the reservoir site, the Permittee shall:*

  a) Establish and maintain, undisturbed, a 100-foot wide strip of natural upland vegetation around the reservoir, except at the dam and spillway and the existing unimproved access roads (+15 feet wide) (Exhibit 4 – Reservoir Infrastructure &

Setbacks). The existing roads may be maintained as necessary to allow access to the dam site by a vehicle for normal operation and maintenance purposes. Any vehicle/mower following the path shall not exceed a speed limit of 2 miles per hour, and personnel shall be posted at all times in front of the moving vehicle/mower to ensure that any frogs encountered on the path will not be harmed;

b) *With the exception of clearing vegetation from the dam and spillway as directed by the State Water Board and the Department of Water Resources Division of Safety of Dams, Permittee shall consult with the U.S. Fish and Wildlife Service, Sacramento Endangered Species Office, and the Department of Fish and Game prior to commencing any reservoir dredging operations;*

c) *Refrain from disturbing the fringe of emergent (wetland) vegetation in the reservoir during dredging operations;*

d) *Consult with the Department of Fish and Game, and/or the U.S. Fish and Wildlife Service, should any bullfrogs (Rana catesbeiana) be discovered at or near the reservoir, to develop and implement an acceptable bullfrog eradication program.*

- ***Setback for Protection of Riparian Habitat**. For the protection of riparian habitat and jurisdictional waters, the owner of this water right shall establish a setback of 100 feet along Gato Creek and around the perimeter of all jurisdictional waters located within the designated place of use. This setback will also apply to any riparian areas or jurisdictional waters that may be discovered or formed on the property subsequent to the issuance of this permit. The stream setback shall be measured from the top of the bank, or the edge of the riparian corridor, whichever is more restrictive, on both sides of the stream or in the case of the jurisdictional waters, from the perimeter of the jurisdictional waters. No activity shall occur within the setback area, including, but not limited to, grading, roads, fencing, storage areas, and irrigation, with the exception of access roads and the creek release facilities. Permittee shall use best management practices to limit access of cattle or other domestic stock to the riparian area as well as the jurisdictional waters. This requirement shall remain in effect as long as water is being diverted under this water right.*

- ***Protection of White-Tailed Kite Habitat**. For the protection of the white-tailed Kite, Permittee shall establish a construction setback of 500 feet from any riparian area; unless a nesting bird survey has been conducted, by a qualified biologist and approved by the Department of Fish and Game, Division of Water Rights and the U.S. Fish and Wildlife Service, which indicates that no white-tailed Kites are using the riparian habitat for nesting during the time of construction. If, during the course of construction within the 500-foot setback, a white-tailed Kite is observed using the riparian habitat for nesting, all construction activities shall cease immediately until consultation with a qualified biologist and either the Department of Fish and Game or the U.S. Fish and Wildlife Service determine that it is safe to begin construction again.*

- ***Bypass for Riparian Wildlife***[3]. For the protection of riparian wildlife habitat:

  a) *The minimum bypass flow requirement at Permittee's diversion point on Gato Creek shall be as follows:*

     i. *During the period May 1 to October 31, Permittee shall bypass 50 gallons per minute (gpm), or the natural flow of Gato Creek, whichever is less.*

     ii. *During the period November 1 to April 30, Permittee shall bypass 50 gpm on a monthly average basis, but never less than 25 gpm on an instantaneous basis, or the full natural flow of Gato Creek, whichever is less.*

  b) *For the period May 1 to October 31, Permittee shall measure the monthly average bypass flow by use of a V-notch weir of the type and rating approved by the Department of Fish and Game.*

  c) *For the period November 1 through April 30, Permittee shall compute the monthly average bypass flow by using the Gato Creek model, which is based on daily stream gage readings from nearby San Jose Creek.*

  d) *Permittee shall measure the bypass flow at the Gato Creek diversion weekly, on the same day of the week, during the months of May through October, inclusive, so that any adjustments in releases made from the creek outlet downstream of the dam into the creek can be made.*

  e) *Permittee shall measure the quantity of water passing through the dam, which runs into the unnamed tributary to Gato Creek (at the "creek release") on the same day of the release.*

  f) *On any measuring date during the months of May through October, inclusive, that the sum of the bypass flow at the Gato Creek diversion plus the flow at the creek release is less than 50 gpm, Permittee shall release into Gato Creek at the creek release the lesser of (a) the amount necessary to bring the total releases and bypasses to 50 gpm or (b) 25 gpm minus the measured flow passing through the dam.*

  g) *In no year shall Permittee be required to release more water from the combination of the flows passing through the dam and the release of the creek release than Permittee stored in the reservoir during the immediate past storage season. If, in any year, Permittee believes that this provision will control releases, Permittee shall notify the Department of Fish and Game of that fact and shall work with the Department of Fish and Game to provide the required releases at such times and flow rates as may best protect riparian conditions below the creek release.*

  h) *Permittee shall relocate the existing outlet from the delivery pipeline into Gato Creek (the creek release) to the following location: 34° 29.366' north latitude and 119° 58.683' west longitude. Permittee shall install a measuring device at the*

[3] Term included in accordance with Agreement between Applicant/Petitioner and DFG dated October 21, 1997.

relocated creek release sufficient to measure the quantity of water released from the delivery pipeline into Gato Creek. Permittee shall consult with the Department of Fish and Game to determine whether a stream or lake alteration agreement will be required for relocation of the creek release.

i) Permittee shall install and maintain a pressure gauge at the outlet of the reservoir to measure changes in reservoir storage. The gauge shall be read periodically as required to provide information on total storage and water stored during the water year. The gauge shall be read whenever the Gato Creek diversion meter is read, so that diversions from the unnamed tributary can be calculated.

j) Permittee shall maintain an annual operating report that sets forth all weekly and other measurements made to comply with the terms and conditions of this permit. Permittee shall provide the Department of Fish and Game with a copy of the annual operating report annually. The annual operating report shall be maintained by the Permittee for ten years from the date of collection and made available for inspection by the Deputy Director for Water Rights or the Department of Fish and Game, upon request by either agency.

k) Upon receipt of reasonable written notice, Permittee shall provide the Department of Fish and Game with access to Gato Creek diversion, the reservoir and outlet, and the creek release for purpose of monitoring compliance with the terms and conditions of this permit.

- ***Measuring Devices for Bypass**. Permittee shall install devices, satisfactory to the State Water Board, which are capable of measuring the bypass flows required by the conditions of this permit. Said measuring devices shall be properly maintained.*

- ***Flow Bypass Compliance Plan**. Within six months of the issuance of this amended permit, the Permittee shall submit a Compliance Plan for approval by the Deputy Director for Water Rights that will demonstrate compliance with the flow bypass terms specified in this permit. The Compliance Plan shall include the following:*

  a) A description of the physical facilities (i.e., outlet pipes, siphons, pipelines, bypass ditches, splitter boxes etc.) that will be constructed or have been constructed at the project site and will be used to bypass flow.

  b) A description of the gages and monitoring devices that will be installed or have been installed to measure stream flow and/or reservoir storage capacity.

  c) A time schedule for the installation of these facilities.

  d) A description of the frequency of data collection and the methods for recording bypass flows and storage levels.

  e) An operation and maintenance plan that will be used to maintain all facilities in good condition.

  f) A description of the events that will trigger recalibration of the monitoring devices, and the process that will be used to recalibrate.

The Permittee shall be responsible for all costs associated with developing the Compliance Plan, and installing and maintaining all flow bypass and monitoring facilities described in the Compliance Plan. The monitoring data shall be maintained by the Permittee for ten years from the date of collection and made available to the Deputy Director for Water Rights, upon request.

Any non-compliance with the terms of the permit shall be reported by the Permittee promptly to the Deputy Director for Water Rights. Diversion and use of water under Application 30289 and additional use under Permits 17360 (Application 24985) and 17361 (Application 25165) prior to approval of the Compliance Plan and the installation of facilities specified in the Compliance Plan is not authorized.

With implementation of the above mitigation measures, project specific impacts as well as the proposed project's contribution to cumulative impacts to biological resources in the area would be less than significant.

5. AGRICULTURAL RESOURCES. In determining whether impacts to agricultural resources are significant environmental impacts, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping & Monitoring Program of the California Resources Agency, to non-agricultural uses?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☒

Agricultural lands play a critical economic and environmental role in Santa Barbara County. Agriculture historically has been, and remains, the County's largest industry. Sustaining agricultural land not only protects open space but also maintains the rural character prevalent in the County of Santa Barbara. Because of the key economic role and public benefits provided by agricultural lands, the County has recognized the need to preserve these lands and discourage non-agricultural uses.

The Applicant/Petitioner's Ranch historically has been involved in orchard cultivation (avocado and citrus trees) and cattle grazing operations. The majority of the proposed place of use lies within existing orchards (218 acres), with the remaining areas consisting of grazed annual grassland (104.5 acres). The 104.5 acres is included as part of this request as an area for future agricultural development. According to Ranch Manager Paul Van Leer, the agricultural

operation maintains an approximately 75 head cow-calf operation within the proposed place of use.

Impact Discussion:

The proposed project will allow the water diverted to be utilized for existing and proposed irrigation needs on the Applicant/Petitioner's Ranch. Currently 373.5 acres are designated for the place of irrigation use. To date 218 acres consist of existing orchard and up to 104.5 acres are planned for future agricultural development (322.5 acres total).

a, c.) The Applicant/Petitioner would continue to maintain the existing agricultural operations. This project is to allow the water diverted under all appropriative rights to be utilized for existing and proposed irrigation needs on the Applicant/Petitioner's Ranch. Areas to be omitted from irrigated places of use are located in the northern portion of the property and would remain in open space.

Because the proposed project would permit application of water to areas of agriculturally designated land that are better suited to agricultural cultivation (because of topography and other factors) than much of the existing place of use, the proposed project will enhance agricultural production and increase agricultural viability in the proposed place of use. As such, the proposed project would not result in the conversion of Farmland to non-agricultural uses.

b.) The project site is zoned Agriculture (AG-II-100 and U-Unlimited). The purpose of these zone districts is to establish agricultural land use for prime and non-prime agricultural lands located outside of Urban, Inner Rural, and Rural Neighborhood areas. The intent is to preserve these lands for long-term agricultural use. The request to change the places of irrigated use would not conflict with the permitted uses under the AG-II-100 and U-Unlimited zone district nor be found inconsistent with the purpose and intent of the AG-II-100 and U-Unlimited zone district.

The Applicant/Petitioner's Ranch is not under an Agricultural Preserve Contract under the Williamson Act.

Impacts would be less than significant and no mitigation would be required.

Permit Terms Required

None.

6. NOISE. Would the project result in:

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒

c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing in or working in the project area to excessive noise levels?	☐	☐	☐	☒
f)	For a project within the vicinity of a private airstrip, would the project expose people residing in or working in the project area to excessive noise levels?	☐	☐	☐	☒

Existing ambient noise levels affecting the project site and its neighbors are generated primarily from vehicle traffic on U.S. Highway 101 and railroad traffic on the railroad tracks running through the southerly portion of the property. The County of Santa Barbara Noise Element contour maps indicate vehicular traffic on U.S. Highway 101 generates a noise level of approximately 70-74 Community Noise Equivalent Level (CNEL) with a noise contour of 65-69 CNEL extending across the shoulder and right-of-way for U.S. Highway 101. Noise levels from freeway traffic beyond the road right-of way are approximately 60-64 CNEL or lower.

Impact Discussion:

Applicable County thresholds identify significant impacts when noise-sensitive uses such as residences are exposed to Day-Night Average Level (L_{DN}) or CNEL of 65 decibels [dB(A]) or greater. (CNEL and L_{DN} are noise indices that attempt to take into account differences in intrusiveness between daytime and nighttime noises. CNEL and L_{DN} values result from the averaging of hourly Energy-Equivalent Sound Levels for a 24-hour period, with a weighting factor applied to evening and nighttime L_{eq} values.)[4] Interior sound levels of 45 dB(A) L_{DN} or greater are also considered significant, as are increases in ambient noise levels to 65 dB(A) L_{DN} or more, or short-term construction noise when it occurs within 1,600 feet of noise-sensitive receptors (Santa Barbara County *Environmental Thresholds and Guidelines Manual*, October 2002).

The proposed project does not include residential development and would not result in placing noise sensitive uses in an area subject to exterior ambient noise levels in excess of 65 dB or interior noise levels of 45 dB.

a, c.) The County Noise Element includes residential uses within its categories of noise-sensitive land uses. County thresholds indicate that significant impacts occur when (1) short-term construction noise would occur within 1,600 feet of residential receptors; (b) noise sensitive uses would be exposed to exterior noise levels of 65 dBA CNEL or greater; (c) development would generate long-term noise levels in excess of 65 dBA CNEL and affect sensitive receptors; or (d) ambient noise levels of a noise sensitive receptor area would be substantially increased.

The project site is located approximately one mile from the nearest residential neighborhood, well beyond any noise generators that would exceed the 65 dBA CNEL

[4] L_{eq} is defined as Energy Equivalent Sound Level and is used to quantify time-varying noise levels for the time period of interest. L_{eq} represents a sound level which, if continuous, would contain the same total acoustical energy as the actual time-varying noise which occurs during the observation period.

threshold for noise exposure. The proposed project would not generate long-term noise levels in excess of that threshold or substantially increase ambient noise levels impacting any receptors. No increase in ambient noise levels is anticipated from the project and nuisance noise impacts are less than significant.

b.) The proposed project does not include any excessive groundborne vibration or groundborne noise levels.

d.) Noise generated by agricultural activities is not likely to result in the exposure of noise sensitive uses to long or short-term noise levels.

e, f.) The Santa Barbara Municipal Airport is located approximately ten miles east of the project site. The proposed project would not conflict with any adopted airport safety zone nor would the proposed project expose people residing in or working in the project area to excessive noise levels than what currently exists. There are no known private airstrips located in close proximity to the Applicant/Petitioner's Ranch.

Permit Terms Required

None.

7. LAND USE AND PLANNING. Would the project:

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

The project site is zoned Agriculture II and U-Unlimited Agriculture. The purpose of the Agriculture II zone district is to establish agricultural land use for prime and non-prime agricultural lands located outside of Urban, Inner Rural, and Rural Neighborhood areas, as shown on the Comprehensive Plan Land Use Element Maps. The intent is to preserve these lands for long-term agricultural use. The project site is developed with eight residences and various accessory structures. The project site is devoted to commercial agriculture (orchards and livestock grazing). The site is bordered by land zoned Agriculture (AG-II-100 and U-Unlimited).

Impact Discussion:

a.) The nearest neighborhood community is approximately one mile east of the project site. The petition for change of the areas of irrigation would be located within the boundaries of the property and would not physically divide an established community. The proposed project would not divide an established community.

b.) The proposed project will allow the water diverted to be utilized for existing and proposed beneficial uses on the Applicant/Petitioner's Ranch.

The proposed project would maintain the AG-II-100 and U zone district designations and the commercial agricultural operation would continue. The proposed project would have the ability to sustain independent agricultural operations in accordance with County policies and the zoned land use intent of the area. The proposed project would be consistent with the site's current land use designation and thus would not contribute to growth inducing impacts in an individual or cumulative manner. The proposed project would not involve the extension of any public services, such as sewer or roads, that would invite further development in the area or introduce a substantial number of people to the area. The proposed project would not involve the demolition of any existing housing units or result in the loss of a substantial amount of open space. Instead, approximately ten acres would be reverted from future agricultural use to open space. Given the size of the project site, the petition for change of the areas of irrigation would not result in any significant agricultural, economic or social impacts.

c.) With the incorporation of the mitigation measure associated with the protection of jurisdictional wetlands, Section 4 Biological Resources, the proposed project would not be in conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Permit Terms Required

None.

8. MINERAL RESOURCES. Would the project:

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

According to the Petroleum Information and Map Services, Ellwood Coastal County Area, oil and gas well locations on- or off-site are either dry or abandoned. The project site is currently under cultivation and grazing livestock, with the remaining areas in open space.

Impact Discussion:

There are no plans to investigate the presence or absence of mineral resources. Pursuant to the County zoning ordinance, mineral development, including exploratory and production wells, pipelines, etc., is a permitted use in the AG-II and U zone districts. The Applicant/Petitioner has no desire to investigate the feasibility of mineral production at this time; however, the zoning ordinance does not prohibit examining the feasibility of mining mineral resources at some later date. The proposed project would not affect any abandoned oil and gas well sites. The project site has no active oil and gas exploration or production wells.

a, b.) The project site does not supplement mineral resources to other companies engaging in this business. Based on the presence of dry and/or abandoned oil and gas wells onsite, the economic potential for mineral resources appears to be unprofitable.

Permit Terms Required

None.

9. HAZARDS and HAZARDOUS MATERIALS. Would the project:

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or to the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Agricultural uses located on the project site and on adjacent ranches potentially require the use of fertilizers, herbicides and pesticides. There is no known historic use of hazardous materials at the project site beyond those customarily and ordinarily used in normal agricultural operations.

Impact Discussion:

a, b.) Although small amounts of fertilizers, herbicides and pesticides have been used for the agricultural operations, the use has not resulted in a public health hazard. The Santa

Barbara County Agricultural Commissioner regulates application and handling of the chemicals. The County Fire Department regulates storage of the chemicals. The proposed project does not include the transport, use or disposal of hazardous materials, except to the extent that agricultural chemicals may be applied in the proposed place of use, subject to County regulation. The residential uses on the project site do not engage in the use, handling, or storage of any toxic hazardous materials in regulated quantities. Only minor amounts of typical household hazardous materials are used. There are no facilities onsite that would potentially lead to a risk of an explosion or release of hazardous substances in the event of an accident.

c.) The nearest school (Ellwood Elementary) is located approximately eight miles east of the project site. As noted above, the Applicant/Petitioner proposes to change the areas of irrigation only, all within the existing Ranch, and would not emit hazardous emissions or involve hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school.

d.) The proposed project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to California Government Code section 65962.5. The nearest known hazardous material site is the Shell Western/Hercules Gas Plant (APN 081-150-015) located in the Canada de la Huerta area, approximately 12 miles west of the project site. The site has been called Shell Oil Molina or the Gaviota Marine Terminal. The site is a former gas processing facility, which served up to four offshore natural gas wells. Operations on the Gaviota Marine Terminal have ceased and the structures removed.

e, f.) The Santa Barbara Municipal Airport is located approximately ten miles east of the project site. The project site is not located within the City of Santa Barbara airport land use plan. The proposed project would not conflict with any adopted airport safety zone.

g.) The change in the areas of irrigation would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project site is situated between Santa Barbara County Fire Station #18 located at 17200 Mariposa Reina (to the west of the project site) and Santa Barbara County Fire Station #14 located at 320 Los Carneros Road (to the east of the project site), both stations being approximately 8-9 miles from the project site.

h.) The project site is located within a High Fire Hazard Area. The water diversion and reservoir project has added a significant water supply that has reduced the overall fire hazard. Expansion of the areas of irrigated agriculture would reduce fuel load onsite.

Permit Terms Required

None.

10. POPULATION AND HOUSING. Would the project:

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

a)	Induce substantial population growth in an area either directly (*e.g.*, by proposing new homes and businesses) or indirectly (*e.g.*, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Structures onsite include eight single-family residences and various accessory structures.

Impact Discussion:

Currently the State Water Board Permit 17361 allows for the diversion of 1.0 cfs during the season of January 1 through December 31 for domestic uses.

The domestic, stockwatering, recreational, and fire protection uses and diversion conditions contained in Permits 17360 and 17361 will not change.

The proposed changes to the areas of irrigation would not be growth inducing and are for the purpose of irrigating orchards.

a.) No structures are proposed with this project. The proposed petition for change of the areas of irrigation would not induce population directly or indirectly.

b, c.) No structures are proposed to be demolished; therefore, no replacement housing is necessary.

Permit Terms Required

None.

11. TRANSPORTATION / CIRCULATION. Would the project:

Issues (and Supporting Information Sources):		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (*i.e.*, result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
b)	Substantially increase hazards due to a design feature (*e.g.*, sharp curves or dangerous intersections) or incompatible uses (*e.g.*, farm equipment)?	☐	☐	☐	☒
c)	Result in inadequate emergency access?	☐	☐	☐	☒
d)	Result in inadequate parking capacity?	☐	☐	☐	☒

e)	Exceed, either individually or cumulatively, a level-of-service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
f)	Conflict with adopted policies supporting alternative transportation (*e.g.*, bus turnouts, bicycle racks)?	☐	☐	☐	☒
g)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒

U.S. Highway 101 bisects the property from east to west. Access to the project site from U.S. Highway 101 utilizes an at-grade crossing with center median, such that either a left turn across the center median or a right turn from the road shoulder in an unmarked right-hand turning lane provides access to the two portions of the project site. Ranch roads (paved and unpaved) are located throughout the project site, providing interior access to grazing land, orchards, the water diversion area, reservoir, homestead, etc.

Impact Discussion:

a, e.) According to the Associated Transportation Engineers Manual, the proposed project would not add any additional vehicle trips to area roadways above those currently generated without the project (an average of 9.57 trips/unit and 1.01 Peak Hour Trips (PHTs)/unit x 8 residential dwellings = 80 Average Daily Trips and 8 PHTs).

b.) Although there are some safety issues when crossing the center median of U.S. Highway 101 to enter the project site, access to the site can only be obtained via this freeway. No new paved roads or access driveways are proposed as part of the project.

c.) The property is currently cultivated with avocado and citrus trees in addition to cattle grazing. Residential development is located on the north and south sides of U.S. Highway 101 with agricultural accessory structures located throughout the Ranch. Ingress and egress to the property is limited to the existing driveways located on both sides of U.S. Highway 101. Interior access is via paved and unpaved ranch roads. The proposed project to change the places of use for irrigation would not require additional emergency access.

d.) There is adequate parking (covered garages and informal parking areas) located throughout the property, both to serve the residents and the agricultural uses.

f.) The proposed project does not warrant alternative transportation (i.e., bus turnouts, bicycle racks, etc.)

g.) The Santa Barbara Municipal Airport is located approximately ten miles east of the project site. The project site is not located within the City of Santa Barbara airport land use plan. The proposed project would not conflict with any adopted airport safety zone.

Permit Terms Required

None.

12. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

Impact Discussion:

a-e.) The project site would be served by the Santa Barbara County Fire Department Station No. 14 (320 Los Carneros Road) and/or Santa Barbara County Fire Station No. 18 (17200 Mariposa Reina). Expansion of irrigated agriculture would reduce fuel load on-site. Present fire protection is adequate to serve this project. Permit 17360 authorizes the appropriation of water for fire protection and the existing water supply facilities would benefit fire protection in the general vicinity. The proposed project would not result in any project specific or cumulatively significant increase in demand for police or health care services or students to the Goleta Valley or Santa Barbara Union school systems.

Permit Terms Required

None.

13. UTILITIES AND SERVICE SYSTEMS. Would the project:

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?	☐	☐	☒	☐

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Applicant/Petitioner's property is zoned AG-II-100 and U-Unlimited Agriculture. The purpose of these zone districts is to establish agricultural land use for prime and non-prime agricultural lands located in rural areas, as shown on the Comprehensive Plan Land Use Element Maps. The Applicant/Petitioner intends to preserve these lands for long-term agricultural use. The Applicant/Petitioner's property is developed with eight residences and various accessory structures. The Applicant/Petitioner's property is actively devoted to agriculture (orchards and livestock grazing). The property is bordered by land zoned Agriculture (AG-II-100 and U-Unlimited).

Impact Discussion:

The water diversion and reservoir project provides a supplemental source of water that is used for agricultural uses, stock watering, domestic, and fire suppression.

a.) No structures are proposed and the proposed project does not generate any wastewater. The proposed project does not include dredging and/or fill discharge to any jurisdictional surface water (e.g., wetland, channel, pond, or marine water).

b, d.) The proposed project involves no new construction or activity that would increase demand on water or wastewater treatment facilities. Permit 17361 allows 0.1 cfs of water for domestic purposes to be diverted from January 1st to December 31st, however all domestic water service is currently provided by the Goleta Water District. The District presently provides bottled water to all residents on Applicant/Petitioner's Ranch because water from the District's West Conduit serving ranches in this area does not meet State standards for drinking water. As a result, Applicant/Petitioner has proposed construction of a small water treatment plant to provide an alternative source of potable water for domestic purposes. Groundwater and water appropriated pursuant to Permits 17360 and 17361 may be used for this purpose. Compliance with CEQA for the water treatment plant was undertaken in Las Varas Ranch Project Draft Environmental Impact Report, 10EIR-00005, SCH #2008061045, Prepared by County of Santa Barbara, January 2011.

c.) As noted above, the Applicant/Petitioner would not be required to obtain a Central Coast Regional Water Quality Control Board storm water permit for the project. However, to

ensure storm water is directed to appropriate discharge areas, Best Management Practices (BMPs) will continue to be implemented to minimize erosion and sedimentation into nearby creeks, drainage courses and/or the ocean.

d.) The property is currently developed with residential and agricultural related structures. The residential units are served by private wastewater disposal systems for sewage. No new wastewater treatment is warranted, as there are no known deficiencies with these private wastewater sewage disposal systems.

f, g.) The proposed project does not include the construction of any residential units nor the construction of any development that would generate solid waste. According to the County of Santa Barbara's Solid Waste Thresholds, the proposed project would not trigger the 196-ton threshold for project specific impacts or the 40-ton threshold for cumulative impacts. Because the existing development utilizes a private wastewater disposal system, it would not result in any demand on existing sewer system facilities.

Permit Terms Required

- ***Other Agency Permits term****, (see Hydrology and Water Quality section, above).*
- ***Construction Pollution Prevention term****, (see Hydrology and Water Quality section, above).*

14. AESTHETICS. Would the project:

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

The proposed project lies within the Applicant/Petitioners' Ranch. The area is identified as agricultural. Approximately 218 acres are planted with avocado and citrus trees and up to 104.5 acres is planned for future plantings. Approximately 75 head of cattle (cow and calf) are grazed on the Ranch. Eight residential units and other farm related accessory structures are located on the site. The water diversion structure and reservoir are located in the northern portion of the property. The remaining areas of the Ranch are in open space.

Impact Discussion:

a-c.) The County of Santa Barbara's Visual Aesthetics Impact Guidelines classify coastal and mountainous areas, the urban fringe, and the travel corridors as "especially important" visual resources. A project is considered to have a potential significant adverse aesthetic impact if (among other potential effects) it would impact important visual resources, obstruct public views, remove significant amounts of vegetation, substantially alter the natural character of the landscape, or involve extensive grading visible from public areas. The guidelines address public views, not private ones.

Adjacent properties are zoned agriculture and are devoted to similar agricultural practices. The proposed project would designate approximately 104.5 acres for future agricultural development. The proposed 104.5 acres of orchards would change the existing visual character of the area; however, the additional orchards would be an extension of the existing agricultural operations, which is consistent with the agricultural character of the area. As such, the proposed project would not adversely affect aesthetic resources. The project proposes no new structural development.

Per the request of DFG, the Creek Release point is to be relocated to beneficially impact aquatic habitat conditions. The existing and new release points are located in the northern reaches of Gato Creek and cannot be seen from any public vantage point.

d.) According to Paul VanLeer, ranch manager, existing planted areas and the proposed request to change the places of use for irrigation would not require frost protection activities or night lighting due to the elevation of these areas; however, if frost protection activities are required, temperature readings are taken in the night and early morning, and if necessary, wind machines are placed in the affected areas. Lighting would be limited to directing the light up at the blades of the wind machine. The periods of frost protection are infrequent and short in nature.

Permit Terms Required

None.

15. CULTURAL RESOURCES. Would the project:

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐		☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	

The Las Varas and Edwards Ranches were originally part of a land grant of 8,875 acres granted to Jose Delores Ortega in 1841. The Ranch was subdivided and sold and/or deeded to various individuals between 1841 and 1951. The area was cultivated and dry-farmed during the early

part of the last century with areas converted to lemon orchards by the 1940s. The 1903 USGS Goleta Special Map is the first map to show structures and road improvements. A prisoner of war camp, the Goleta Branch Camp, was located on the Edwards Ranch at Gato Canyon from October 20, 1944 to December 4, 1945 when it was deactivated. The camp buildings were removed in 1970. The only remaining artifact of the camp is the foundation of a water tower.

Impact Discussion:

Two Phase I Archaeological Surveys were conducted during the summer of 2003. The Phase I Cultural Resources Survey prepared by Macfarlane Archaeological Consultants (MAC) included areas of the project site not under orchard cultivation (10/19/03). The Phase I Archaeological Resources Report (October, 2003) prepared by David Stone and Chantal Cagle from Stone Archaeological Consulting included areas of the project site that are currently cultivated with avocado and orchard trees. In 2009 and 2010 two further studies were conducted by Clay Lebow of Applied Earthworks, Inc. The 2009 report investigated a site in the northwestern portion of the property west of Gato Creek. Both sites are located just northerly and outside of the POU but within the vicinity. The 2010 report investigated a site in the southwestern portion of the property located between the highway and the railroad, outside of the POU.

a.) According to the Santa Barbara County Landmarks, Places of Historical Merit, and Potential Historic Structure List, Edwards Ranch is not listed as a landmark or place of historical merit.

The field survey conducted by MAC staff documented one previously unrecorded historic resource LV-2. LV-2 consists of approximately one mile of the former two-lane highway with associated culverts, drains, etc. This segment of the Old Coast Highway is currently being used by the Applicant/Petitioner's Ranch for agricultural operations (cattle and avocados). Per the California, Department of Parks and Recreation (DPR) Historical Resource Form, LV-2 was recorded on Primary Record (DPR Form 523a) and a Linear Feature Record (DPR Form 523e).

b.) According to the Stone archeological report, a record search was conducted in 1996 for the Applicant/Petitioner's Ranch. The record search indicated that less than ten percent of the project area had been previously surveyed. A total of nine previously recorded prehistoric archeological sites, including CA-SBA-80; -81; -139; -1564; -1803; -2409; and -2587/H have been located in the general area of the project site. Two of the nine sites, CA-SBA-1564 and -1690, were recorded as located within the project site. CA-SBA-1564 was recorded as an Early Period site with a dense concentration of lithics, groundstone, and faunal remains. Although this area is currently developed with orchards, the condition of the archeological site is generally good. A few Monterey chert flakes were also found on the grade adjacent and east of the ranch road, in the area of the northwest corner. Aside from the chert flakes that presumably washed downslope from the site, no prehistoric archeological materials were found. Although the planting of orchard trees has to some extent compromised the integrity of the site, the site does not appear to have been substantially degraded from the time that it was originally recorded. Based on the likelihood of on-going orchard use, the site does not appear to be threatened with additional disturbance. Mitigation measures to ensure that future disturbances (i.e., replanting and installation of any underground irrigation facilities) do not cause additional impacts will include a requirement that a qualified and approved archaeologist monitor the site area during these activities.

CA-SBA-1690, recorded in 1980, was described as a diffuse scatter of manos and chipped stone detritus. The locational information situated the site to the west of CA-SBA-1564, however, no archeological materials were found during the intensive surface survey. The absence of artifactual materials would likely be explained by concluding that the site location was mismapped in the University of California Information Center records, or by the possibility that agricultural workers have collected the artifacts over time.

A sparse scatter of very small shellfish fragments was discovered adjacent to a steeply sloping north-south dirt trail. The scatter was located on both sides of the trail and consisted of fewer than 20 fragments of Washington little neck clam (*Protothaca sp*.), Pismo clam (*Tivela stultorum*), and one Olive snail (*Olivella biplacata*) shell, over an area of more than 30 meters. An isolated Monterey chert flake and an isolated Monterey chert biface were discovered adjacent to another north-south dirt trail at the westernmost edge of the area, bordering Edwards Ranch. This area is located on relatively steeply sloping north-south trending dirt trails used by farm equipment, raising the question of whether the material might have washed downslope from a site at a higher elevation. Although the ground surface in the vicinity of each isolated artifact was carefully inspected, no other archeological material was found in the proximity. The isolated nature of these artifacts suggests that their research potential is very limited. Because the shellfish scatter, isolated Monterey chert flake, and Monterey chert biface artifacts are not potentially significant prehistoric resources, no restrictions are required if proposed irrigation lines or infrastructure are to be developed in their vicinity.

The record search performed by MAC staff resulted in identifying two prehistoric sites, CA-SBA-139 and CA-SBA-2409, which were previously recorded within, and/or adjacent to the survey area. A summary of these sites is described below:

CA-SBA-139 was first recorded in 1929 as a deposit measuring approximately 360 feet in diameter containing large amounts of grinding tools and chopper-scrapers. Subsequently, the site has been re-recorded in conjunction with several cultural resource management projects. According to the archaeological site records, the site was surveyed and surface collected during the widening of U.S. Highway 101. CA-SBA-139 was listed as largely destroyed by expansion of the present-day U.S. Highway 101, maintenance grading, and construction of the Old Coast Highway. More recent testing by SAIC (1991), however, indicates that while the southernmost areas of the site have been destroyed, areas along the frontage road, northern and northeastern site boundaries remain intact.

CA-SBA-2409 was recorded and tested in conjunction with the proposed Southern California Edison Electric Transmission Line Hybrid Alternative Project. The site is described as a low-density scatter of groundstone artifacts and lithic debris. In 2009, an extended Phase 1 excavation was performed on the site by Clay Lebow of Applied Earthworks, Inc. The excavations included 33 shovel test pits with a total excavated volume of 1.274 cubic meters and yielded 34 pieces of lithic debitage, a core and a project point. The test results indicated that the site does not extend as far north as originally recorded.

While conducting research on CA-SBA-2409, Lebow et al found another recorded site, CA-SBA-3984. This site is located northerly and adjacent to the proposed POU. Phase 2 testing was conducted to collect data for evaluating the site's significance. Seven shovel

test pits with a total excavated volume of 1.015 cubic meters yielded only four pieces of lithic debitage, including two pieces of Fraciscan chert, a single piece of Monterey chert, and a single piece of obsidian. Lebow et al conclude that the site is not a significant resource.

The field survey conducted by MAC staff documented one previously unrecorded prehistoric resource (LV-1). A California Department of Parks and Recreation (DPR) Historical Resource Form was completed for the new resource.

Temporary site designation LV-1 was assigned to a light-density prehistoric lithic scatter. The site consists of one or more Monterey chert flakes, one Franciscan chert flake, and one obsidian flake. This material may represent a secondary deposit of material from previously recorded CA-SBA-2409. LV-1 was recorded on a Primary Record (DPR Form 523a) and an Archaeological Site Record (DPR Form 523c).

Additional lithic material was identified within the existing road cut north of LV-1 outside the current study area. The existing dirt road also bisects CA-SBA-2409. LV-1 may represent the southern (downslope) of CA-SBA-2409 and redeposited along the road to the south. The prehistoric flake scatter constitutes lithic material cut from CA-SBA-2409 and redeposited downslope during previous grading of the road. The unimproved ranch road would continue to be used; no new (replacement) road or improvements to this road are proposed. With the existing section of the Old Coast Highway in place and in regular use (LV-2), no new (replacement) roads to support the orchards would have to be graded or the old road removed. No other cultural material was identified within the vicinity of LV-1.

CA-SBA-139 was also located during the pedestrian survey. The deposit is a remnant of the periphery of a much larger and denser deposit that was more or less destroyed during construction/widening of U.S. Highway 101. The deposit that remains is a very narrow area of light density deposit, truncated on the south by U.S. Highway 101, and on the north by a drainage ditch and the Old Coast Highway. CA-SBA-139 is not located in the existing or proposed areas of irrigated use.

c, d.) Growing lemon and avocado trees requires a well-maintained orchard environment. Orchard trees are susceptible to water stress during flowering, fruit growth, and flushes of vegetative growth during summer and autumn; and necessitate a regular supply of water during these dry periods. Orchard development is best suited on a site that is flat or on warmer, higher light level slopes to the north or northeast ($\pm$ 8.5 percent slope). Areas designated for avocado and lemon trees are disked and scarified to create a level terrace. The trees are planted when they are small and are positioned at least 20+ feet away from other trees. Irrigation lines are positioned along the row crops and are placed just below existing grade.

There is the possibility that buried archaeological deposits could be present and accidental discovery could occur. The existing agricultural operation and the proposed changes associated with development of water distribution facilities in irrigated places of use could potentially result in the discovery of unanticipated human remains. The proposed project as currently proposed could result in a potentially significant impact upon cultural resources, as defined in CEQA.

Permit Terms Required

To ensure that cultural resources are not impacted by activities associated with implementation of the proposed project or development and maintenance of the irrigation systems in the proposed place of use, the following terms substantially as written will be included in any permit issued pursuant to Application 30289 or orders issued by the State Water Board amending Permits 17360 and 17361:

- ***Prehistoric Site CA-SBA-1564****. The prehistoric site identified as CA-SBA-1564 by staff at Stone Archaeological Consulting in the report titled Phase 1 Archaeological Resources Preliminary Report For Proposed Waterlines at Las Varas Ranch Goleta, California, shall not be impacted by any developments related to the water diversion, storage, and distribution facilities associated with any orders, permits or licenses issued pursuant to Application 30289 and the Petition for Change of Permits 17360 and 17361. The orchard may continue to be cultivated with general maintenance activities. No ripping or grading shall be allowed on the area identified as an archaeological site. Techniques for removal of the orchard shall be restricted to minimal disturbance in the area of the site and shall be monitored by a qualified archeologist while the trees are removed. Due to the significance of CA-SBA-1564, a 100-foot buffer will be designated around this site, prohibiting the installation of irrigation lines or infrastructure. Any future activities associated with the water diversion, storage, and distribution facilities (i.e., irrigation system changes) at the location of CA-SBA-1564 may be permitted only if a qualified archeologist is retained by the landowner to design and undertake an appropriate mitigation plan, which must be approved by the Deputy Director for Water Rights prior to activities related to the new developments. Project related activities shall not resume within 100 feet of the cultural resource until all mitigation measures have been completed to the satisfaction of the Deputy Director for Water Rights.*

- ***Prehistoric Site CA-SBA-139****. The prehistoric site identified as CA-SBA-139 by staff at Macfarlane Archaeological Consultants in the report titled Phase 1 Cultural Resource Survey of a Portion of Las Varas Ranch Route 1, Box 234-A Santa Barbara, California, will not be impacted by the proposed project. No ripping or grading shall be allowed at CA-SBA-139 without a standard Phase 2 site evaluation and subsurface testing program first being performed to determine the importance of the site. Any proposed mitigation measures deemed necessary shall be submitted to the Deputy Director for Water Rights for approval. Project-related activities shall not resume within 100 feet of the resource until all approved mitigation measures have been completed to the satisfaction of the Deputy Director for Water Rights.*

- ***Cultural Resources Protection****. Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; groundstone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Deputy Director for Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the Permittee to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be submitted to the Deputy Director for Water*

Rights for approval. Project-related activities shall not resume within 100 feet of the find until all approved mitigation measures have been completed to the satisfaction of the Deputy Director for Water Rights.

There is also the possibility that an unanticipated discovery of human remains could occur as a result of the project. The following term will be included in any orders, permits, or licenses issued pursuant to Application 30289 and the Petition for Change of Permits 17360 and 17361:

- ***Human Remains****. If human remains are encountered in the course of project development, including agricultural maintenance activities such as planting orchards, re-installing and/or relocating irrigation lines, etc., then the Permittee shall comply with section 15064.5 (e) (1) of the CEQA Guidelines and the Public Resources Code section 7050.5. All project-related ground disturbances within 100 feet of the find shall be halted until the county coroner has been notified. If the coroner determines that the remains are Native American, the coroner will notify the Native American Heritage Commission to identify the most-likely descendants of the deceased Native Americans. Project-related ground disturbance, in the vicinity of the find, shall not resume until the process detailed under Public Resources Code section 15064.5 (e) has been completed and evidence has been submitted to the Deputy Director for Water Rights.*

The evaluation of impacts presented herein is relevant to continued and expanded irrigated agricultural use and water use. With implementation of these mitigation measures, project specific impacts would be less than significant.

16. RECREATION. Would the project:

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

The land use designation of the Applicant/Petitioner's property is identified as Agriculture. Approximately 218 acres are planted with avocado and citrus trees, and up to 104.5 acres is planned for future agricultural development. Approximately 75 head of cattle (cow and calf operation) graze the Ranch. Eight existing residential units and other accessory structures are located on the Applicant/Petitioner's property. The water reservoir is located in the northern portion of the property. The remaining areas of the property are in open space.

Pursuant to the County of Santa Barbara Parks, Recreation & Trails (PRT) Map, the Coastal Trail is designated along the shoreline. The Coastal Trail is a State-mandated project to map the California Coastal Trail (a trail that traverses along the coastal areas of the state) and to make a plan for its completion. This endeavor to develop this trail is a joint undertaking of the California Coastal Commission, Department of Parks and Recreation, State Coastal Conservancy, and Coastwalk. The Coastal Trail is confined to a narrow corridor of land; the topography is precipitous and natural features such as rivers block the path. Many of the segments of the Coastal Trail are located on private property protected by zoning laws that

introduce barriers to the proposed trail. The immediate goal is to submit a report to the State Legislature identifying the trail location and issues that hinder the trail's construction.

A proposed on-road trail, the Gaviota Crest Trail is shown along Camino Cielo, an east-west public road bisecting the property north of Santa Ynez Peak. A proposed off-road trail is shown following Las Varas Canyon.

Impact Discussion:

a.) The proposed project does not include construction of additional residential units. The proposed project does not include a request to subdivide the property. As a result, the proposed project does not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

b.) The proposed project does not include new recreational facilities or expansion of existing recreational facilities. County staff reviewed the proposed project and issued a Land Use Permit on June 25, 2003. County Parks did not impose upon the Land Use Permit any conditions requiring the dedication of trail easements.

Permit Terms Required

None.

17. MANDATORY FINDINGS OF SIGNIFICANCE.

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☐	☒	☐
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Impact Discussion:

a.) As discussed under Section 3 Biological Resources, four (4) areas containing jurisdictional waters were found in the study area. Mitigation measures include the requirement that all project-related development is to be set back 100 feet from the four (4) designated jurisdictional waters and Gato Creek, except for relocation of the Creek

Release, which is an above-ground water pipeline that discharges diverted creek water from the reservoir back into the creek.

Pursuant to Section 13 onsite cultural resources include , two (2) prehistoric sites (CA-SBA-1564 and CA-SBA-139) ,CA-SBA-2409 and LV-1 a light-density prehistoric lithic scatter which represents a secondary deposit and LV-2 assigned to a historic resource identified as a section of the Old Coast Highway. LV-2 and CA-SBA-1564 are located in areas designated for agricultural development.

CA-SBA-1564 will not be impacted by any developments related to the water diversion, storage and distribution facilities associated with Application 30289 and the Petition for Change of Permits 17360 and 17361. The orchard may continue to be cultivated with general maintenance activities. No ripping or grading shall be allowed on the area identified as an archaeological site. Techniques for removal of the orchard shall be restricted to minimal disturbance in the area of the site and shall be monitored by an archaeologist, while the trees are removed. Any future developments related to the water diversion, storage and distribution facilities at this location may be permitted only if a qualified archaeologist is retained by the landowner to design and undertake an appropriate mitigation plan, which must be approved by the Deputy Director for Water Rights prior to activities related to the new developments.

Project development has the potential to disturb unidentified subsurface cultural deposits. Therefore, should any buried archaeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find until the Deputy Director for Water Rights has been notified of the discovery and a professional archeologist has been retained by the Permittee to evaluate the find and recommend appropriate mitigation measures. The project thereafter shall include these mitigation measures.

b.) The water diversion structure, reservoir, and dam have been in place for approximately 20 years. The surrounding environment has recovered from construction activities and the area has been restored. The reservoir could be considered a beneficial component to the area because it provides a living ecosystem for birds, mammals, amphibians, fish, and plants.

The project site is zoned Agriculture II and U-Unlimited Agriculture. The purpose of the Agriculture II district is to establish agricultural land use for prime and non-prime agricultural lands located outside of Urban, Inner Rural, and Rural Neighborhood areas. The intent is to preserve these lands for long-term agricultural use. The property is devoted to commercial agriculture (orchards and livestock grazing). The change in place of use would have impacts that are individually limited.

The proposed project would be consistent with the site's current Agriculture land use designation and thus would not contribute to growth inducing impacts in a cumulative manner.

The impacts of the proposed project, when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, would not be considered cumulatively considerable.

c.) The existing agricultural practice would continue. The nearest populated area is approximately one mile to the east. The proposed project would not introduce environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	☐
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A NEGATIVE DECLARATION will be prepared.	☒
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	☐
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	☐
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	☐

Prepared By:

Original Signed By — April 30, 2012

Jennifer Welch, Senior Planner — Date
Penfield & Smith

Original Signed By Kathy Mrowka for — April 27, 2012

Phillip Crader, Manager — Date
Permitting and Licensing Section
Division of Water Rights

Authority: California Public Resources Code Sections 21083, 21084, 21084.1, and 21087.

References

California Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.1 through 21083.3, 21083.6 through 21083.9, 21084.1, 21093, 21094, 21151

Information Sources:

Air Pollution Control Division Land Use Screening Table, Scope and Content of Air Quality Sections in Environmental Documents, Prepared by Technology & Environmental Assessment. July 2005. Santa Barbara, CA

Cardno Entrix Technical Memorandum, December 21, 2010

Cardno Entrix Technical Memorandum, June 8, 2011

County of Santa Barbara Coastal Zoning Ordinance, Article II of Chapter 35. Republished July 2004. Santa Barbara County Planning & Development Department. Santa Barbara, CA

County of Santa Barbara Environmental Thresholds and Guidelines Manual. May 1992. Santa Barbara County Planning & Development Department. Santa Barbara, CA

County of Santa Barbara Inland Zoning Ordinance, Article III of Chapter 35. Republished June 2001. Santa Barbara County Planning & Development Department. Santa Barbara, CA

Environmental Impact Report (83-EIR-19). September 1983. Santa Barbara Resource Management Department. Santa Barbara CA

Evaluation of the Distribution and Status of Vernal Pool Fairy Shrimp and Tidewater Goby at Las Varas and Edwards Ranch, Santa Barbara County, CA. March 26, 2009.

Institute of Transportation Engineers Trip Generation, 7th Edition. 2003. Publication No. IR-016E. Washington D.C.

Michael F. Hoover. Hydrologic Evaluation of Gato Canyon Surface Water Diversion Project, SWRCB Permits: 17360 and 17361. March 2011

Results of California Red-Legged Frog Protocol Surveys of Wetlands on the Las Varas Ranch Property South of Highway 101, Santa Barbara County, CA. January 2, 2009.

Results of Fall Report Surveys on the Las Varas Ranch Property, Santa Barbara County, CA. January 2, 2009

Santa Barbara County Code, Chapter 14 of the County Code, Grading Ordinance. Ordinance No. 4477. June 2003. Santa Barbara County Planning & Development Department, Building & Safety Division. Santa Barbara, CA

Santa Barbara County Comprehensive Plan. Adopted 1980; revised August 1982. Santa Barbara Resource Management Department. Santa Barbara, CA

Santa Barbara County Ordinance 661. Recomplied October 1981. Santa Barbara Resource Management Department. Santa Barbara, CA

State Water Board case files for Water Right Application 30289

Resource Maps:

Environmental Sensitivity Index Map prepared for Resource Agency California Department of Fish & Game – US Department of Commerce National Oceanic and Atmospheric Administration (NOAA). Dos Pueblos Canyon, CA. 1988. SC-29. March 1995

Geologic Map of the Dos Pueblos Quadrangle. Santa Barbara California, by Thomas Dibblee, Jr. 1986.

Important Farmlands Map. Dos Pueblos Canyon. FMMP. 1996. Santa Barbara County

National Flood Insurance Program. Flood Insurance Rate Map (FIRM). Santa Barbara County CA. Panel 725 of 2825. Community Panel Number 0603310725E. Map Revised June 2, 2004. Flood Emergency

Regional Wildcat Map. State of California Department of Conservation. Division of Oil, Gas and Geothermal Resources. Map 03-2. September 28, 1996

Santa Barbara County Comprehensive Land Use Element COMP-1, Revised January 13, 1999.

Santa Barbara County Comprehensive Plan Noise Element – 3. revised December 17, 1993. Santa Barbara County

Santa Barbara County Comprehensive Plan Parks, Recreation and Trails Goleta – Santa Barbara Area. PRT-1. Revised October 10, 1997. Santa Barbara County

Soil Survey of Santa Barbara County, South Coastal Part, U.S. Department of Agriculture. Soils Conservation Service. February 1981. Sheet No. 6 Dos Pueblos Canyon Quadrangle and Part of Santa Rosa Hills Quadrangle

US Department of Interior Geological Survey. Dos Pueblos Quadrangle. 1951. California – Santa Barbara County. National Vertical Datum of 1929